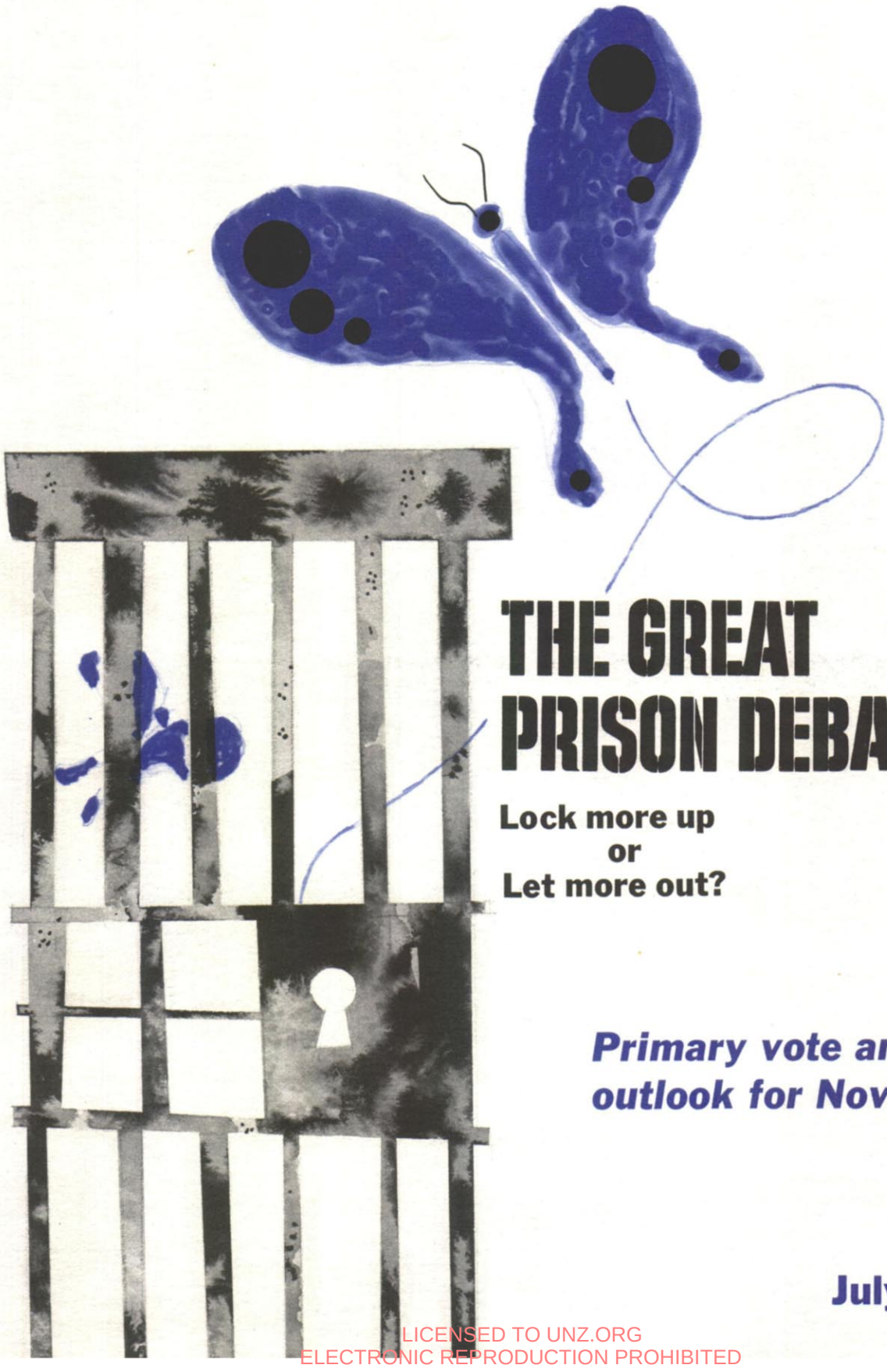
California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS



THE GREAT PRISON DEBATE:

Lock more up
or
Let more out?

Primary vote analysis, outlook for November

July 1974

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A PERSONAL PERSPECTIVE...

By Ed Salzman

A leader without followers

Mayor Joseph Alioto of San Francisco showed his gratitude for his gubernatorial endorsement by the political arm of the AFL-CIO by calling the top officials of the California Labor Federation "the most inept political leadership that can be found anywhere in the United States." Alioto was referring to the decision of the AFL-CIO's Committee on Political Education to endorse four Democratic candidates for governor — Alioto, Bob Moretti, Jerry Brown and Jerry Waldie — and then withdrew support for Brown and Waldie because they had embraced Proposition 9 too overtly. That left Alioto, an opponent of the political-reform initiative, and Moretti, a subdued supporter. The dual endorsement was almost worthless, according to Alioto, either in dollars or in rank-and-file support. "The entire affair has been a fiasco," said the Mayor, and he made it clear that he was putting the blame on John F. Henning, the top California AFL-CIO official. And if that's what labor's best political friend was saying, can you imagine how labor was being described in the invective-filled conference rooms of the Brown and Waldie campaigns?

Alioto vocalized what more and more politicians have been saying privately about Henning's organization — that it is good for only one thing, campaign contributions. The Proposition 9 campaign is the best illustration of organized labor's lack of influence at the ballot box. Henning put the machinery of his organization to work against the initiative as a threat to his leadership. (The measure would require that separate organizations be formed for lobbying state officials and for handing out campaign contributions, roles that are now both filled by Henning.) Look at the election returns: Proposition 9 ran strongest in those counties where labor has the most members. It ran weakest in those "cow counties" where labor organizations are insignificant. In other words, the rank-and-file unionist paid no attention to Henning. And Brown won handily despite labor's withdrawal of its endorsement. In fact; this move may have helped the secretary of state because it made him look even more like a young man who really means what he says about eliminating political corruption.

* * *

It can be argued that it is the duty of a leader to direct his troops in whatever direction he thinks best for the welfare of his organization — even if the troops would prefer to head in a different direction. But this is a dangerous principle for someone like Henning to follow on a regular basis because labor's overall effectiveness depends on how it is accepted by the California community as a whole and on whether it is in tune with the thinking of working men and women of the state (whether or not they are active unionists). In recent years, the California Labor Federation has repeatedly put itself at odds with its natural constituency. In the 1972 presidential primary, labor went all out for Hubert Humphrey against George McGovern in the California primary. The election returns show that McGovern ran best in such labor strongholds as the Bay Area and Humphrey ran best in non-labor communities.

In the Proposition 9 fight this year, Henning put himself in league with the big-business interests he is supposed to be fighting in Sacramento. He apparently was more concerned with preserving centralized power within labor than seeing his natural rivals weakened even more than the AFL-CIO. The working man fares best in the political arena when anti-labor lobbying activities are minimized. But labor has formed an even more important alliance with big business to fight the anti-pollution campaigns of the conservationists. The obvious fear is that environmentalists will halt construction projects that are vital to Californians who work in the building trades. Aside from the politics of this view, is this economically in labor's best interest? The environmental movement is causing private corporations and public agencies to spend hundreds of millions of dollars each year for construction of water-treatment plants and installation of anti-smog machinery. Businessmen often complain that the environmentalist movement is increasing their costs. Aren't these funds finding their way into the paychecks of the working man?

* * *

During the Proposition 9 campaign this spring, a strange thing happened with another labor organization, the California Teachers Association. The leadership of that organization — apparently with the same concerns as Henning — went to the CTA's 457-member governing body with a recommendation for a stand against the initiative. But the representatives rejected the leadership proposal and put CTA on record in favor of the measure. The difference between the CTA and AFL-CIO positions can be explained simply: The CTA decision was made by rank-and-file teachers, while the others was made by full-time labor leaders.

Henning's position on Proposition 9, oddly enough, will not hurt him in his dealings with the Legislature — and it may help him. It is no secret that many legislators fear the effects of the initiative and were happy to see Henning legitimize opposition to Proposition 9 by going out front on the issue. He could be rewarded in future sessions with a more kindly reception from those lawmakers most receptive to lobbyists' blandishments (and thus most likely to detest Proposition 9). Henning is not a novice at the political game. He has served as undersecretary of labor and as ambassador to New Zealand, under John F. Kennedy. (He has been mentioned as a possible successor to George Meany as national AFL-CIO president.) Perhaps he will now be able to see that the political influence of organized labor is at a dangerously low ebb in California and that AFL-CIO credibility can be restored only by a change of policy that puts the leadership in step with the ordinary California working man.

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THE GREAT PRISON DEBATE:

On the left:

Give inmates more rights and let them out much sooner

On the right:

Protect the public by keeping more felons behind bars much longer

Man in the middle

Ray Procunier, director of corrections

By ED SALZMAN

Only a decade ago, California's prison system was generally viewed as a progressive model for the nation and perhaps for the world. The governor at the time, Pat Brown, used to express pride at the way the state was rehabilitating its criminal element, citing a declining rate in returning convicts. The cornerstone of the system was the "indeterminate sentence". Under it, judges would send offenders to prison without release dates, and it would be up to probation authorities to decide when an inmate had shown, in the artificial environment of a "joint", that he or she was ready for the "free" world.

California still has the indeterminate sentence, but it is no longer considered progressive, or even desirable. It is under attack from all sides. A growing body of thought holds that it is impossible to tell when a prisoner has become ready for a return to society. There are numerous cries for "prison reform" but little agreement on what "reform" should do or even how to approach it. Meanwhile, the state Department of Corrections is attempting to keep prisons cool while steering a steady course between the zealots. California is returning to the penology philosophy of the ancients — make the punishment fit the crime and forget about trying to alter the character defects in the offenders that led to the commission of the felonies.

Basic issues

What do Californians mean when they talk about prison reform? What they *don't* mean is that the prisons themselves are shabby, that better food, clothing and medical care should be given to inmates, or that the state should provide more educational and vocational services for the prisoners. These subjects come up from

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time to time, but they are not central to the current controversy. These are the basic issues:

- What should be considered a crime?
- When should a felon be sent to prison?
- Should he be given a release date on commitment or an indeterminate sentence?
- When should he be released?
- What supervision should he be given following release?

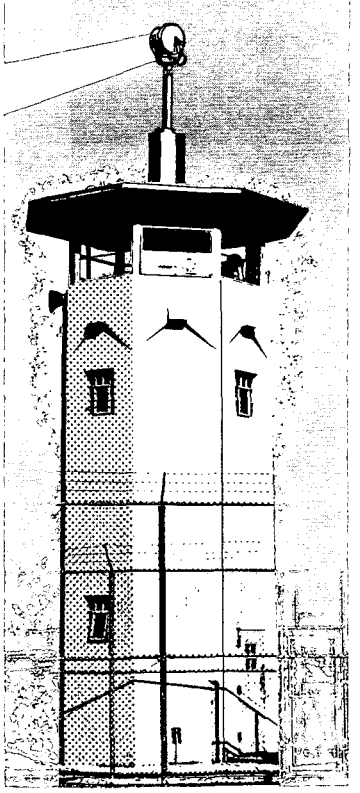
In other words, it is not the prison system that is under fire but rather the state's philosophy of doling out punishment and rehabilitating offenders.

What should be a crime? Most of these discussions center around the so-called victimless crimes, which do not usually result in the sentencing of individuals to prison. These include prostitution, bookmaking, gambling, sex relations between consenting adults, and use of narcotics. As far as the prison system is concerned, there is a related problem — how to handle prisoners convicted of relatively minor offenses but who, because of plea-bargaining or other reasons, were not tried for more serious crimes they may have committed. The Adult Authority is supposed to consider only the conviction, but the members must be aware of the circumstances surrounding the arrest.

When should a felon be sent to prison? At present, most inmates have perpetrated violent crimes or serious drug offenses. A decade ago, about half the prisoners had been convicted of crimes against property, and they provided a leavening effect in the institutions. Today, however, these less dangerous felons are given probation or terms in local jails. As a result, both county and state institutions now hold a far tougher clientele. Ten years ago, some judges thought they were doing offenders a favor by sending them to a state prison because local facilities were so bad and rehabilitative facilities so few. That is no longer the case, and the state operates a "probation subsidy" program that rewards counties with bonus money for keeping prisoners that otherwise would have been sent to state institutions. The decision of when a prisoner should be sent to prison is left up to the judge, and this has raised a major question: How do citizens get equal protection under the law, as guaranteed by the United States Constitution, when some judges are more lenient than others? This is one argument in support of the indeterminate sentence — that the Adult Authority can even out these differences by applying one standard to all.

Judges now have one basic decision to make — whether or not the offender should go prison. But even this decision would be taken out of the judge's hands under an initiative being pushed by Attorney General Evelle Younger and Governor Ronald Reagan. This measure would require prison sentences, regardless of the circumstances, for persons convicted of using guns in the commission of crimes, for narcotics peddlers and for professional burglars. At the other extreme are those who feel that the state prison system is a failure and should be abolished.

Should a felon be given a release date on commitment or an indeterminate sentence? This is probably the most discussed aspect of prison reform. Under pressure from left and right, the Adult Authority indicated about a year ago that it would henceforth set specific terms within a relatively short time after an inmate's arrival. This would let the prisoner know exactly where he stands, with time to be added or subtracted for behavior only — not for progress toward rehabilitation. But this effort has now been abandoned, and prisoners are not given release dates until the Adult Authority considers them ready for release in the near future. State Senator H.L. Richardson is a leading spokesman for the view that the indeterminate sentence results in putting violence-prone offenders back on the streets too soon. Prisoner organizations and others maintain just the opposite — that the sentence keeps inmates incarcerated far too long. Thus, the issue is not so much the system of sentencing but how long each inmate is to remain in prison.



When should a prisoner be released? To answer this question, someone must determine when an individual — presumably with a violent background — can be released at minimal risk to society. But this is not the sole consideration. There are also those prisoners who are exceptionally good risks — such as the one-time murderer who killed a family member in a moment of passion — who are kept behind walls because society demands that murder be punished. Everyone involved in the corrections process agrees that it is impossible to determine with certainty when an individual is rehabilitated to the point where he can be released with absolute safety. There is always some measure of risk involved. The prison system comes under strongest attack when a highly publicized crime is committed by a prisoner on work-furlough, or by a resident of a "half-way house", a parolee or "graduate" of the prison system. It is then that critics like Richardson renew their demands for far less risk-taking on the part of the corrections and parole authorities. At the same time, there are those who contend that many other prisoners now could and should be released because they are minimal risks. In the past couple of years, however, it has come to be more difficult for an inmate to win release from the Adult Authority.

What level of supervision should be given after release? Though not an issue to compare with the foregoing in magnitude the parole system is considered by some critics to be a waste of effort because the rather loose supervision

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that the state can afford does not deter crime. But the parole system is ingrained, and there apparently is little chance that it will be abolished or even substantially changed within the next few years.

Running the system

The burden of running the state's penology system during this era of unrest falls upon two men, Raymond C. Brown, 50, chairman of the Adult Authority (male parole board), and Raymond Procunier, also 50, director of the state Department of Corrections. Procunier has the task of handling the state's most-hardened criminals, and Brown and his eight colleagues have the task of deciding when a man should be given his freedom.

Raymond Brown

Brown, a retired Oakland deputy police chief, is a political conservative who served on Reagan's crime task force before being appointed to his current job in May 1973. He is a staunch defender of the indeterminate sentence. "There are good and bad things about it," he explained, "but it's the most logical way to do it. The statistics show that there is not much difference in the actual time served under fixed sentences and with indeterminate sentences." He rejects the contention that it is not right to leave a man in prison without telling him when he can get out if he behaves himself. "The inmates are the best statisticians in the system," he maintains. "They can figure out closer than anyone else how long they are going to serve." If the state switched to fixed sentences, he emphasized, then the argument would be that the sentences were too long. Efforts are being made in the Legislature to require that each inmate be given a release date within six months of incarceration, with time subtracted for good behavior and added for bad. Brown maintains that the state tried something akin to this a few years back under the theory that it would relieve tension and reduce violence. As it happened, he said, the policy change was followed by one of the worst outbreaks of violence in state prison history (although Brown concedes that there is not necessarily a connection between the two).

The theory behind the indeterminate sentence holds that the personnel in the Department of Corrections can observe an inmate for a reasonable time to assess his likely future conduct before he is actually sentenced by the Adult Authority. If the sentence must be set within six months, Brown argued, the judges might as well do the job immediately after trial because the Adult Authority will not gather much more information within the next six months that the judge didn't obtain from the local probation office.

But there are alternatives. Timothy Fitzharris, general manager of the California Probation, Parole and Correctional Association, is talking about a system in which the judge gives each felon a sentence that is then automatically appealed to a statewide board with the power to reduce — but not increase — the length of confinement. One basic argument for maintaining the Adult Authority is that it evens out differences in severity between the hundreds of judges in the state; by establishing the automatic-review system (similar to the one used by the military), this objection would be eliminated and the Adult Authority could be abolished, according to Fitzharris.

Brown concedes that there is no scientific way to predict behavior. "We fail pretty regularly," he said, "but so does everybody else." He has established his personal test for each inmate: "When you're willing to have him live next door to you, then it's time to let him out. Don't let him out to live next door to somebody else. The people in the ghetto are just as anxious not be ripped off as the next guy."

Prisoners' rights

During the past year, Brown's attention has been devoted primarily to another prime issue in the controversy over prison reform — the rights of prisoners in hearings before such agencies as the Adult Authority. The courts have handed down so many prisoner-rights decisions in recent months that the parole agencies hardly do anything now the way they did just a year ago. In several cases, Brown and his colleagues were able to see court-ordered reforms coming and modify their policies accordingly.

The Adult Authority beat the courts by one month, for example, in ruling that a prisoner must be given, in writing, the reasons for denial of parole. Other recent cases remain to be implemented, such as granting a prisoner the right to see his file. (Officials are grappling with the mechanics of making this possible.) Felons are now entitled to representation by attorneys in various proceedings, and a public-defender system will have to be established for them.

But the trend toward more "due process" and restoration of such freedoms as uncensored mail within the prison system have not helped free more inmates. The statistics on release of prisoners can be deceiving. The median length of stay in prison of those released in 1971 was 33 months, compared to 28 months in 1972 and 24 months in 1973. But this doesn't mean that the Adult Authority is getting more lenient, as the following additional statistic suggests: The number released in 1971 was 9,000, compared to 7,000 in 1972 and 5,000 last year. In other words, the current policy of the Adult Authority is to be generous with those it feels are good risks by letting them out promptly, while keeping others locked up much longer than before. To put it another way: There are probably 4,000 men in prison today who would have been released by now under the policies in force in 1971. Brown said the public wants a very close look given to the number of parolees involved in violent crimes, and the Adult Authority is responding to this concern.

Even so, there are those, like Richardson, who feel that the system is still too "soft" on criminals. Richardson calls the operation of the Department of Corrections a "soap-opera comedy" and the institution at Chino

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California's prison population

California's prison population rose from 19,773 to 22,436 in 1973, a 13.7 percent increase. The following statistics show where the convicts came from, crimes they were convicted of, their previous criminal records, and their ethnic backgrounds:

Geographical distribution

Los Angeles County, 37 percent; nine other Southern California counties, 20 percent; San Francisco, 7 percent; Alameda County, 6 percent; seven other Bay Area counties, 11 percent; ten Sacramento Valley counties, 7 percent; seven San Joaquin Valley counties, 9 percent; 22 remaining counties, 4 percent.

Offenses

Males – robbery, 27 percent; drug offenses, 16 percent; homicide 15 percent; burglary, 14 percent; assault, 7 percent.

Females – drug offenses, 28 percent; homicide, 18 percent; forgery and bad checks, 17 percent.

Ethnic breakdown

Males – white, 49 percent; black, 32 percent, Mexican descent, 18 percent; other, 2 percent.

Females – white, 57 percent; black, 30 percent; Mexican descent, 11 percent; other, 3 percent.

Age

Median age for males, 30.6 years; females, 30.5 years.

Prior commitments

Males – no prior commitments, 12 percent; prior county jail or juvenile commitments only, 49 percent; prior prison commitments, 39 percent.

Females – no prior commitments, 32 percent; prior county jail or juvenile commitments, 48 percent; prior prison commitments, 21 percent.

Source: Department of Corrections.

"Disneyland East". Yet, he opposes the indeterminate sentence on the ground that it makes it too easy for felons to return to the community. "The more criminals in jail, the less crime there is in the community," he theorizes. He has repeatedly attacked Corrections Director Procunier and has called for his dismissal.

Another target of hard-liners like Richardson has been the Assembly Criminal Justice Committee, which has consistently blocked bills designed to send more California offenders to prison for longer terms. The current initiative, sponsored by the California Peace Officers' Association, is a reaction to the committe's refusal to act affirmatively on get-tough legislation. Assemblyman Mike Antonovich of Glendale gave this argument in support of the initiative:

> Too often today criminals are let off through plea-bargaining or placed on probation after only a few months in prison. Approximately 70 percent of all convicted felons were given probationary sentences in 1972. Only 9.6 percent were actually sent to state prison, while the rest (about 20 percent) spent less than one year in county jail. This initiative will provide the tough penalties that are needed to discourage crime and make our communities safe from the criminal element.

This philosophy underlies the decision by Los Angeles County Superior Court Judge Laurence J. Rittenband last May to send a 16-year-old to state prison for killing a waiter during a restaurant robbery. This marked the first time in California history that a 16-year-old had not been sent to the Youth Authority. The youth, Chi Ko Wong, was described as the "hit man" in a Chinese extortion ring by the prosecutor, who urged the prison sentence to protect society from the youth.

Procunier's course

Procunier, a tough-talking career correctional official, claims to steer a middle course in the prison-reform struggle. He opposes the initiative because he believes that judges should retain discretion in sentencing. He agrees with those in the Legislature urging that an inmate should be given a tentative release date within six months after entering the prison system. He publicly takes the blame for prisons failing to control some of the groups, like the Symbionese Liberation Army, which had roots in state institutions.

He views the wave of violence in the prisons as a blessing in disguise because now more Californians are more aware of the problems of his department. Procunier claims that, until the late 1960s, nobody except the correctional officials paid much attention to the problems. Then two things happened:

- First, middle-class families found their youngsters threatened with jail and prison sentences for using and trafficking in marijuana, LSD and other drugs. At that point, middle-class America became more concerned for the plight of the minority family with a young man in prison for having stolen to help provide for relatives.
- Second, numerous social-protest movements were formed. People started to realize, Procunier recalled, that "the real garbage can of society is the prisons. People coming into prison had been participating in social movements outside. When they came inside, they asked, 'where's that kind of stuff going on inside?' "

Toughest ten

The prison reform movement was born. Inmates started campaigning both for their rights within prison and for their earlier release. The pressure built within the prison system over a period of years. Procunier and his staff seemingly could do nothing right: The prisoners wanted out; the hard-liners wanted more prisoners confined longer; and the others wanted prisoners to be given far better treatment, released sooner, or placed in local facilities.

Ten years ago, about 30 percent of all convicted felons were sent to prison. The prison population of roughly 19,000 was composed about half of property offenders like bum-check writers and about half of violent offenders. Pat Brown's administration concentrated on building conservation camps so that several thousand prisoners could spend their time in low-security outposts. Now, there are hardly any property offenders in the prisons, and only the toughest ten percent of all convicted felons are sent to state institutions. The typical prisoner today is much tougher than he was ten years ago — both at the state and local levels. This is because many of the felons who used to go to state institutions are now disposed of locally. If the courts had continued sending offenders to prison at the rate of ten years ago, the prison population today would be closer to 38,000 instead of the current 23,000.

In earlier days, California prisons were relatively

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A guide to the state's prisons

California's prison system is composed of 12 facilities housing about 23,500 men and women. Inmates are incarcerated under five basic types of security system — minimum, light-medium, medium, medium-close, and maximum. The following list gives the name of each institution, its location, the type of security practiced and the number of prisoners each contained on May 1st:

California Conservation Center, Susanville – minimum and light-medium; 818 inmates.
California Correctional Institution, Tehachapi – minimum and light-medium; 1,173 inmates.
California Institution for Men, Chino – minimum, light-medium and medium; 2,388 inmates.
California Institution for Women, Frontera – minimum; 922 inmates.
California Medical Facility, Vacaville – medium; 1,856 inmates.
California Men's Colony, San Luis Obispo – medium-close, 2,630 inmates.
Correctional Training Facility, Soledad – medium-close and minimum; 3,046 inmates.
Deuel Vocational Institution, Tracy – medium-close; 1,484 inmates.
Folsom Prison, Folsom – maximum and medium-close; 2,076 inmates.
San Quentin Prison, San Quentin – medium-close; 3,387 inmates.
Sierra Conservation Center, Jamestown – minimum and light-medium; 1,985 inmates.
California Rehabilitation Center, Corona – (for civilly committed narcotics addicts) — minimum; 1,816 inmates.

TOTAL prison population, 23,581.

Source: Department of Corrections.

peaceful places. What inmate organizations there were stayed underground. But with the influx of social reformers, the prisoners developed organizations that became major problems for correctional authorities. Between 1970 and 1973, 80 inmates and 11 guards were killed. Procunier was forced to restrict the freedom of almost 200 gang leaders in an effort to prevent spread of the organizational efforts and reduce violence and tension. He wanted to keep the leaders separated and especially away from the relatively peaceful inmates.

These are the major militant groups now active in California prisons:

Mexican Mafia. This is an organization of Chicanos raised in California cities.

Nuestra Familia. This is the rival organization of the Mexican Mafia, composed primarily of rural Chicanos.

Black Guerrillas. This black group recruits inmates from the big-city ghettos.

Aryan Brothers. This racist Nazi organization is composed of white motorcyclists.

The department is under pressure to control organized "reform" activity within prisons because one of them, the since-suspended Black Cultural Association, is believed to have planted the seeds of the terrorist Symbionese Liberation Army at the state medical facility in Vacaville. The SLA publicity has increased demands for tight restrictions on such groups, according to Phil Guthrie, one of Procunier's top aides, who added: "We still intend to take a balanced and unhysterical approach to the problem." The department has special problems with the Church of the New Song, an organization claiming to be religious and demanding steaks and wine as part of its religious ceremonies.

Black Muslims

One group Procunier definitely considers an asset rather than a liability is the Black Muslims. Not many years ago, prison officials viewed the Muslims as a prime problem and locked up the leaders. Now, the Muslims are treated with dignity; in return, they help prison officials keep the institutions cool. What happened? "We both changed," said Procunier. "They used to talk about the white devils, and we don't go for that so well. We finally began to understand them. And they began to understand us." The fact that the department raised its percentage of minority employees from 7 to 20 helped also with the blacks and Chicanos who constitute more than half the prison population. But the hiring program increased tension among some of the more race-conscious whites.

Procunier considers his biggest problem now to be housing. He has enough beds for the prison population, but not the right mix. Now, he needs more room for the kind of tough prisoner traditionally housed at San Quentin, which he hopes to close. His goal is to build two large, flexible prisons at Vacaville and San Diego for 4,800 inmates at a cost of about $140 million. This is one of several housing plans the department has proposed in recent years as the dramatic changes have taken place in the prison population.

The Friends Committee on Legislation is urging the Legislature to abandon prisons, not build new ones. The Quaker-sponsored organization claims that the prison system has failed as a means of protecting society against crime.

Procunier doesn't totally agree with that view. He claims that prisons can rehabilitate criminals. The problem is that no one can predict which felon can be rehabilitated and which inmate is the best risk to release. Procunier estimates that 36 of every 100 prisoners could be released without any problem whatsoever, that 25 per-

The men who decide . . .

Should an inmate of a California correctional institution be granted freedom or remain incarcerated? That question must be answered many times each day by the men and women who serve on the state's four parole boards — the Adult Authority, the Youth Authority Board, the Narcotic Addict Evaluation Authority and the Women's Board of Terms and Paroles. In size of caseload, the Adult Authority is by far the most important. Its nine members must decide about 20,000 cases a year. For exercising this authority, the chairman is paid $29,712 a year, the other members $28,296 each.

The nine men now serving on the authority are:

Chairman Raymond C. Brown, former Oakland deputy chief of police, appointed 1973, Republican.
Vice Chairman Curtis O. Lynum of San Mateo, former special agent of the FBI, appointed 1967, Republican.
Charles E. Brown, retired Richmond police chief, appointed 1970, Democrat.
Leland M. Edman, Fresno attorney and former deputy district attorney, appointed 1967, Republican.
Walter A. Gordon Jr. of Berkeley, career employee of the state Department of Corrections, appointed 1967, Republican.
James H. Hoover of Placerville, career employee of the state Department of Corrections, appointed 1969, Republican.
Henry W. Kerr of Newport Beach, former chairman, retired executive of the Los Angeles Police Department, appointed 1967, Republican.
Daniel R. Lopez of Sacramento, former deputy director of the state Department of Human Resources Development (employment), former career employee of the state Department of Corrections, appointed 1970, Republican.
Manuel Quevedo Jr., retired officer of the San Bernardino Police Department, appointed 1973, Republican.

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cent will get into big trouble again, and that the remaining 39 percent will run into some difficulty.

Prisoners learn rapidly how to sound as if they have changed during their incarceration, Procunier said, and there is no way to tell who really has changed and who is acting. To Procunier, a margin of error must be accepted when dealing with human beings. He confessed that he cringes every time he opens a newspaper for fear of reading about a parolee gone wild, since such an incident would encourage critics like Richardson who want less compassion shown for inmates. If Richardson got his way, in Procunier's view, "eventually the whole state would be one big prison. If we proceeded with the opposite course of action, we would have anarchy."

Steering between these extremes has made for a pragmatic approach to planning. "The only reason we survive," Procunier said, "is because we play it day by day. We have reduced the 10-year plan to a 10-*minute* plan. We try to prepare for contingencies, but it is impossible to predict in this business."

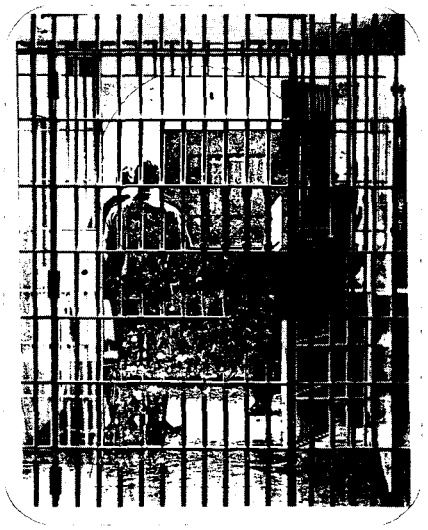
While Adult Authority statistics may indicate that the hard-liners in the prison-reform controversy are winning the struggle, it is actually far from one-sided. Pro-prisoner groups have made major gains — and not all of them by benefit of court decision. The Department of Corrections has gradually increased the frequency of conjugal visits, has maintained a work-furlough program, and offers 150 temporary community leaves a month.

Partisan stalemate

During the Reagan years, a partisan stalemate over prison reform emerged in the Legislature. Whatever changes that have taken place came primarily from court orders and administrative policy changes. The Governor's select committee on law-enforcement problems, which reported its findings last August 1st, recommended increasing prison commitments, eliminating the probation-subsidy program, and assigning top priority to protecting the public. Adult Authority Chairman Brown was a member of that task force. These recommendations run counter to the findings of the National Advisory Commission on Criminal Justice Standards and Goals, which last year found that incarceration is not an effective answer for most criminal offenders. Among other recommendations, the national commission proposed that:

- Prison sentences be limited to five years except for murderers, professional criminals or other dangerous offenders.
- Imprisonment be used only as a last resort after all other alternatives have been explored.
- A 10-year moratorium be placed on all new jail and prison construction.

These differences suggest that, whatever administration assumes office in January, concensus will not come easily. Last September, about 70 prison administrators, judges, defense lawyers, criminologists, former prisoners and others gathered at Berkeley for a Western American Assembly on "prisoners in America". Chairmen of the conference were Eugene C. Lee, director of the Institute of Governmental Studies, and John C. Houlihan, executive director of the Institute for Local Self-Government and himself a former prisoner. Fitzharris was conference director. An attempt was made to reach agreement on a new direction for penology in California, but Lee and Houlihan reported that there was no unanimity on any major point and that, in fact, many participants sharply disagreed with the majority conclusions, which were



highly critical of existing conditions.

Nevertheless, the majority view could provide an insight into what might happen if the Legislature should ever come to grips with the problem and try to enact an omnibus reform bill during a rather liberal administration. The sense of the meeting can be summarized as follows:

- "There is little agreement about the purposes to be served by our penal system. There is considerable agreement that punishments are at one and the same time unduly harsh by contemporary standards and are applied unevenly. The penal system is failing at rehabilitation . . . . The medical model of treatment or correction has often resulted in unwarranted extensions of time served."
- The primary purpose of penal sanctions is punishment, which should be related more to the crime than to the criminal.
- Indeterminate sentences have encouraged excessive and unequal confinement in the name of treatment. Discretion should be narrowed, primarily by reducing maximum sentences, though some flexibility could be retained by having the trial court set a fixed term, subject to review by appellate courts.
- Some provision for crediting good-behavior should be established, and this should not be based on rehabilitation.
- Any prison release should be complete and not provisional (as on parole).
- A wide range of vocational and educational services should be provided within and outside prisons — but offered only and not required.
- Prisoners should be given a voice in their own governance, possibly through selection of representatives to advocate changes in prison life. A system of arbitration should be established to resolve differences between prisoners and administrators, and a code of prisoners' rights should be adopted and enforced by grievance procedures.

What all this means is that the entire prison-reform controversy boils down to a fundamental question: Should fewer or more offenders be punished by incarceration for shorter or longer terms? And, between the hard-liners who want prisons packed with long-sentence criminals to protect the public, and those who want institutionalization only when absolutely necessary and then only for as short a period as possible, stands Procunier, trying on a minute-to-minute basis to keep the prisons cooler than the rhetoric of the reformers.

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WHO'S THE DEFENDANT?

I was raped by a man who came through my living-room window. When I first saw him, it was like a horrible nightmare. I screamed for help, but I stopped screaming very quickly when I realized that it was not a nightmare – there really was a man coming through my window and he really was pointing a gun at me. I hoped that someone had heard my screaming and had called the police, and I prayed that my children had not been awakened by my screams. The rapist choked me, threatened to kill me, and raped me . . . .

I was in shock, hardly able to talk, and these two uniformed policemen were joking and laughing as they asked me questions about every minute detail. One of the questions I was asked was why I had left my window open. That question in particular stuck in my mind. The answer seemed quite obvious to me: It was July and it was hot. The officer seemed to be implying that I had somehow extended an invitation to the rapist by having my window open.

Editorial cartoon by Paul Conrad
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The Two Faces of Eve

Top goal of women's groups: Protecting rape victims rights

By BRUCE KEPPEL

For the victim of rape in California, this insensitivity to the trauma visited upon her continues long after the incident itself — at the police station, in the emergency room of the hospital, and even in court, where the defense attorney can probe her sexual history in seeking to discredit her as being of "unchaste character". In short, according to the victim whose attack is related above, the rape victim is likely to find that "she must justify her sexual life-style to the judge and the jury before she can assert that her body belongs to herself and herself alone, and that she has the right to decide who may enter it."

Such a prospect may in itself account for the large proportion of unreported rapes; the state Department of Justice's bureau of statistics estimated that reported rapes may account for "anywhere from one-quarter to one-tenth of those that actually occur." Nonetheless, the number of reported rapes in California tripled in the last 12 years. The increase may stem from the improved reporting and a growing willingness on the part of victims to press charges despite the risks. But it must also reflect an increase in the rate of rape in California. According to FBI records for the year 1972, for example, "Southern California recorded 30 percent of the total volume [of 46,430 forcible rapes] while the western states had 26 percent, the north central states 25 percent and the northeastern states 18 percent." The volume of rapes represented a 70 percent increase in five years; it had become a personal experience of at least 43 of every 100,000 females.

After hearing this and other testimony last fall reflecting on the shortcomings of California's rape laws and procedures, the Assembly Criminal Justice Committee concluded, in the words of its chairman, Alan Sieroty:

> Our current laws relating to rape, which had had virtually no revision for over a hundred years, have resulted in intimidating women to the point where it is now estimated that only one in ten victims reports the crime. Victims of rape claim that they are abused not only by the defendant, but by the police, medical personnel, district attorneys, defense attorneys, and judges.

The abuses, Sieroty said, stem from sexual prejudice and insensitivity. To overcome this situation, the committee called for better police training, improved emergency medical treatment, and changes in courtroom procedures to assure "more fairness, dignity and sensitivity" to the rape victim, and it followed up these findings with a package of legislation [see accompanying box]. The committee's proposals joined a raft of related measures being propelled through the Legislature by the women's interests groups which have given revision of rape laws their top priority for 1974.

Though rape falls under state law, concern over the proliferation of rapes and rape attempts in recent years has also been expressed this year for the first time in Congress. Legislation was introduced by Representative Charles McC. Mathias Jr. of Maryland to appropriate

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funds for study and research and perhaps to create a model rape law. While advocates of rape-law reform welcome the concern of Congress, they also hold no illusions about legislating rape out of existence. To Carol Burris, director of Women's Lobby in Washington, the Mathias bill's chief significance is that "it legitimizes and acknowledges a very serious problem. This is the way you influence the police departments and courts who laugh at the feminists outraged by rape. I'm behind this bill from a psychological point of view."

The California Legislature has not greeted the current session's flood of rape bills with laughter, but floor debate in the Senate on a bill that passed easily illuminated the attitudes responsible for the law-enforcement and judicial procedures that tend to put the rape victim on trial along with her accused attacker. These include the belief that women enjoy being raped and can be held responsible to some degree for enticing a male into raping her.

Testimony earlier before the Assembly Criminal Justice Committee confronted such attitudinal relics of the Victorian era, pointing out that rape is an assault on a person and "has nothing to do with character." On the question of enticement, the committee was asked whether a victim's "seductiveness" is any more justification for rape than wealth is for burglary. Concluded Marian Ash, editor of *Skirting the Capitol*, a newsletter specializing in legislation relating to women: "The attitude that women actually enjoy being raped, or provoke it by being tantalizing, is the basis for the brutal treatment many rape victims receive by police, in hospitals, and in courts."

Jury instructions

Nonetheless, this attitude of enticement as justification is embodied in a jury instruction explaining the "relevance" of a woman's prior sexual conduct to the perpetration of her rape. The instruction to jurors in rape cases states:

> Evidence was received for the purpose of showing that the female person named in the information was a woman of unchaste character. A woman of unchaste character can be the victim of a forcible rape, but it may be inferred that a woman who has previously consented to sexual intercourse would be more likely to consent again. Such evidence may be considered by you only for such bearing as it may have on the question of whether or not she gave her consent to the alleged sexual act and in judging her credibility.

The biggest problem for lawmakers considering rape legislation last month was how to redress the balance to protect the victim's privacy and reputation while not infringing on the accused person's right to a free trial based on the assumption of innocence. The American Civil Liberties Union pointed up the dilemma this way: "The defendant's right to a fair trial does not include subjecting the complainant to irrelevant questioning before the jury and the public. But the defendant's right to a fair trial — which includes the answer by the complaining witness to all relevant questions — must prevail over her privacy concerns."

Having pointed up that dilemma in May, the ACLU found itself caught in its horns in June as the Criminal Justice Committee again took up rape legislation. Before the committee were two proposals dealing with the admissibility of a victim's sexual history either to demonstrate her consent to the sex act or to attack her credibility as a witness. SB 1678 by Senator Alan Robbins, which contained an outright ban against using such evidence, cleared the Senate with only three dissenting votes. Another bill, AB 3661 (Sieroty), provided a procedure for a court to determine, outside a jury's presence, the relevance of such testimony before it could be admitted at trial.

ACLU split

The ACLU opposed SB 1678's outright ban as unconstitutional. The split came over an amendment to the measure.

Jill Jakes, representing the Southern California affiliate of the ACLU, testified last month in "qualified support" of the amended version. The amendment makes a distinction between using a rape victim's relevant sexual history to prove consent, which is forbidden unless it involves the defendant himself, and using it to attack the victim's credibility as a witness. Jakes pointed out, in the bill's support, that if prior sexual conduct could be shown to reflect upon the credibility of the supposed victim, the Robbins bill would permit its use. Therefore, she maintained, any relevant evidence could be admitted, via one avenue of the bill or the other. The essential point, she emphasized, is that the existing instruction assumes that a victim's sexual history is relevant; the Robbins measure makes it irrelevant unless shown otherwise through a procedure spelled out in the bill.

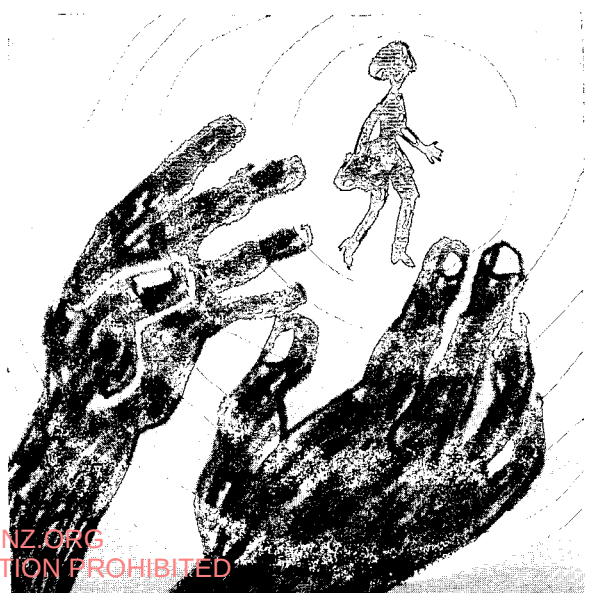
The Northern California ACLU affiliate opposed the measure, however, and supported the Sieroty bill. It argued that the Robbins bill's restrictions on the use of sexual history to prove the defense of consent remained unconstitutional — an infringement of the defendant's right to a trial based upon the presupposition of innocence.

With the committee's subsequent 5-2 vote in favor of the amended SB 1678, Sieroty held back his bill. It remains to be seen whether the conflicting viewpoints can be reconciled (or need be), should the Robbins bill clear the Assembly floor this summer and return to the Senate for concurrence in the changes.

'Female person'

Though less far-reaching in its implications, another judicial instruction has come in for strong criticism from women's rights groups. It is a warning read by a judge to a jury before hearing evidence in a rape case. It states:

> A charge such as that made against the defendant in this case is one which is easily made and, once made,



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Shortcomings in California's rape laws and procedures*

The eight bills and five resolutions introduced as a result of the Assembly Criminal Justice Committee rape hearing summarize what the committee concluded to be shortcomings in present state law and procedures. These findings are quoted below, followed by the legislation proposed to correct the deficiency.

- The training and instruction police officers receive generally emphasizes the legal elements of the crime of rape. Little, if any, training time is spent discussing the psychological and emotional needs of the rape victim. Consequently, peace officers often display a significant lack of sensitivity in their handling of rape victims.
  (ACR217 urges remedial training.)

- Most law-enforcement agencies have inadequately staffed and trained investigative units for sexual offenses. Special rape investigative units which have been established by a few departments provide more thorough and effective investigation of rape reports.
  (ACR 218 calls for state encouragement of scch local units.)

- Rape victims believe that female officers would be more sensitive to their needs and that more policewomen should be available to respond to calls from rape victims.
  (ACR 219 urges an "affirmative assignment program" to do so.)

- There is a substantial need for more women to be employed in all ranks of law enforcement. However, certain minimum entry level physical requirements have had the effect of disqualifying women applicants.
  (AB 3655 prohibits use of "arbitrary physical requirements" that disqualify women.)

- Emergency medical facilities provide inadequate treatment for rape victims. A woman who has been raped is often beaten and traumatized. The extent of the medical treatment is frequently limited to a vaginal examination for the purpose of gathering potential evidence.
  (ACR 220 urges that rape victims be given "a thorough examination for both physical and emotional trauma" and be informed of community services available to them.)

- Many physicians on duty at emergency medical facilities are not experienced in the examining procedures necessary to gather evidence from rape victims. Cases are dropped for insufficient evidence as a result of inadequate examinations which ignored valuable evidence.
  (AB 3656 requires that such facilities have experienced physicians on call for examination and treatment of rape victims.)

- Hospital and emergency medical facilities charge victims of rape for costs of the medical examination necessary to compile evidence for possible prosecution.
  (AB 3657 forbids this, making it a local law-enforcement cost.)

- The cautionary jury instruction contains a particular reference to "female" and implies that a *woman's* testimony is particularly suspect. The theory behind the cautionary instruction may be valid where the uncorroborated testimony of the victim is being used to convict the accused; however, such an instruction is inappropriate when there is corroborating evidence of the elements of the crime.
  (AB 3659 does away with the offensive reference to "female" and limits use of the reworded instruction to cases of uncorroborated testimony.)

- The jury instruction which explains the relevancy of the victim's "unchaste character" is archaic and has little relevancy to society's present attitudes toward sexual behavior.
  (AB 3660 and AB 3658 eliminate the offensive term and restrict use of such evidence to rape cases in which a judicial evaluation following a procedure, specified in AB 3661, finds relevance.)

- California's present penalty for the conviction of rape (three years to life) is overly broad and may deter district attorneys from filing complaints.
  (AB 3662 sets penalties for rape at two to ten years for a first offense and three to twenty-five years for subsequent offenses.)

- Individuals would be less vulnerable to rape and other physical assaults if they were able to defend themselves.
  (ACR 221 urges local school districts to include self-defense classes in high school physical-education courses.)

*Findings and Recommendations for Revising California's Laws Relating to Rape, Assembly Criminal Justice Committee, March 1974.

difficult to defend against, even if the person accused is innocent. Therefore, the law requires that you examine the testimony of the female person named in the information with caution.

The Assembly committee recommended removal of the word "female" and prohibition of the use of the cautionary instruction when there is corroborating evidence.

The fact that the Senate so easily passed SB 1678 with its broad ban against admitting evidence of prior sexual history would seem to reflect an evolution of social attidues regarding both women and the crime of rape. There is little doubt of lawmakers' desires to improve the rape-victim's lot, and in any case they are under strong pressure to do so from such groups as the National Organization for Women.

In this light, the defeat of a San Francisco Superior Court judge in last month's election assumes special social significance. Judge Bernard B. Glickfeld received 25 percent of the vote to finish third in his re-election bid — the first defeat of an incumbent there since 1963. It came after Glickfeld's censure by the California Supreme Court for addressing a rape victim "in an insulting and inexcusable manner."

Glickfeld's defeat could be attributed to other reasons, but it would be significant if the residents of San Francisco, traditionally a city with a soft heart for the accused, had now come to the realization that rape, after all, is not a victimless crime.

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March Fong

On the agenda for 1975: new sex-education laws

By JENNIFER JENNINGS

With the departure of Ronald Reagan as governor early next year, one of the first orders of business in the Legislature will be to try to liberalize the state's basic law on sex education in the public schools. Under current law, enacted five years ago, nothing prevents a school district from being as explicit as it wants in teaching what is called "family life" courses. But schools are forced to follow rigid rules that give parents the right to withdraw their children from such classes — a procedure that has had the effect the law's author intended — slowing the growth of sex-education instruction in California schools.

It is difficult to assess the state of sex-education in California because school districts are not eager to risk controversy by giving the subject public attention. Nor is there any requirement that reports on the number and scope of these courses be submitted to the state Department of Education. Some communities have been involved in bitter fights over sex-education proposals. Others have instituted family-life instruction at all grades with virtually no difficulty. The Legislature has made it clear that it wants the way paved for more sex education classes to be instituted, but Reagan vetoed two bills that would have drastically watered down the restraints written into the 1969 law.

Sexual ignorance

The national debate over sex education climaxed in the late 1960s amid examination of a "new morality" that supposedly had emerged. Statistics showed a rising number of young people engaging in sexual activity, and the venereal disease rate reached epidemic proportions. (The Legislature succeeded in getting Reagan's signature on bills to promote more instruction on the perils of venereal diseases.) Surveys showed that young people entertained notions of the human body and its functions that ranged from the sublime to the ridiculous — and perhaps dangerous.

Some parents responded to this problem by claiming that schools should play a more active role in teaching youngsters about human sexuality. They argued that schools should compensate for the failure of parents, doctors and ministers to bridge the generation gap in this area. These parents could envision continuing difficulties if young people were forced to rely on their peers for sexual information. Other parents and citizens took the view, however, that the limited amount of sex education then provided in the schools should be discontinued and proposals for new programs rejected on the theory that sex discussion in the schools would arouse curiosity and promote further experimentation. They also contended that teachers are not suited to inform students about sexuality because the subject extends into concepts of personal morality. And if morality were excluded from the instruction, they maintained, sex-education classes would degenerate into analysis of sexual procedures.

Schmitz's act

As the issue came to a head in the Legislature, those who felt that sex education should be left to parents, clergy and the family doctor emerged as most successful. Feeling that personal values, religious and otherwise, were at stake, proponents of this viewpoint were well organized. They appeared to be on a crusade against the corruption of their children. Their efforts succeeded in mustering the necessary votes in 1969 for enactment of Senate Bill 413 by Senator John Schmitz, a conservative Republican who later became a congressman and the American Independent Party candidate for President in 1972.

This measure stipulates that a teacher who fails to notify a parent that some aspect of sex education will be taught or who fails to make instructional materials available to parents for review risks suspension or revocation of his or her teaching credential. The Schmitz bill also established a special penalty section for violators of the sex-education clause in addition to the general penalty provisions of the state's Education Code. The Schmitz Act thus posed an extraordinary threat to a teacher's livelihood, and many teachers and administrators consequently chose to do what was safe — nothing. The result was elimination of sex-education instruction in many classrooms.

Reagan's vetoes

Attempts have since been made to water down the Schmitz Act. Senator Albert S. Rodda, chairman of the Senate Education Committee, in 1971 introduced a bill to eliminate the special penalty provisions. The Rodda proposal was killed on the Senate floor. Last year Assemblywoman March K. Fong submitted substantially the same proposal as AB 1177 and won passage for it, only to see it vetoed by the Governor, who commented: "There have been significant improvements made in sex education and health education generally. To my knowledge, there has been no suspension or revocation of a teacher's credential as a result of the existing law." Though Fong doesn't dispute this contention, she claims

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The author is a student at the University of California at Davis and a Journal *intern. She also wrote on women in government in the March issue.*

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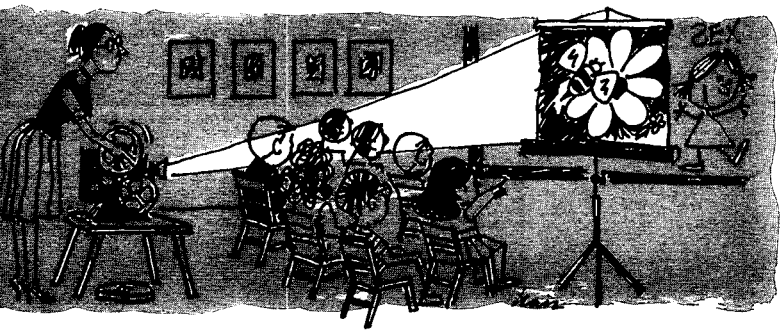

that many educators are reluctant to teach the subject because of the threat to their credentials.

Fong also introduced AB 1178 to allocate funds to the state Department of Education to prepare school personnel, young Californians and community leaders for sex-education instruction if requested by school districts. Again, the bill won legislative approval but was vetoed by Reagan. "The state Department of Education currently has authority to establish in-service training programs in family-life education, just as the local districts do," Reagan said. "I feel there is no justification in mandating such a program at the state level."

The rationale behind AB 1178 was that no teacher should attempt to teach such a sensitive subject without proper training, and teacher preparation in this field had not generally been available. While anticipating the veto of AB 1177, Fong was surprised that Reagan killed AB 1178. "I appeal to the people . . . to educate their governor about the facts of life concerning teen-age sexuality," she declared. "To ignore this fact of life, the government is only contributing to the abortion, illegitimacy and premature-marriage rates."

While the Legislature and the Governor thus remained apart, the state Department of Education was helping school districts develop comprehensive health programs that include sex-education units. Pat Hill, a key member of the department's health-education team, said that despite progress in sex education the subject remains inadequately covered in most schools. To Hill, family-life education is best taught as part of a comprehensive health course. "Otherwise," she explained, "you tend to get crisis-oriented." The Schmitz Act, the department has found, provides an excuse for any district that does not want to develop sex-education programs. Those schools that have sought to establish programs have usually succeeded, however, and the key to success seems to be proper parent preparation.

Two extremes

At the district level, extreme differences crop up between school systems that are physically close. In the sprawling San Juan Unified School District northeast of Sacramento, for example, sex education has been a subject of long controversy, and no family-life courses are taught; a half hour's drive west to Davis, on the other hand, sex-education programs have been going full blast since 1967 with wide community support. In suburban San Juan, sex discussions are limited to a few science classes in the fourth, fifth and sixth grades. However, the school board hopes to institute a two-school pilot program for the elementary grades this September. A citizens' advisory committee composed half of proponents and half of opponents was selected to choose the schools and develop a plan for monitoring the classes. The proponents claim that the committee is not properly weighted because surveys have shown that more than half the district's parents favor sex education. Once the program is instituted, parents will have to provide written permission for their children to attend a family-life class, and boys and girls will be segregated for discussions and screenings of films on human reproduction. No action is being taken to institute courses in junior and senior high schools.

In Davis, home of a University of California campus, a citizens' committee in 1966 drew up some guidelines for a sex-education program, which was instituted the next year. In elementary school, sex education is taught as a special unit rather than as part of the everyday classroom routine since parents will occasionally withdraw their children from that unit. In junior high, the emphasis is on a discussion group in ninth grade on the general subject of adolescence. At Davis High School, sex education is generally integrated into broader subject matter.

The disparity in sex education reflected in San Juan and Davis will continue to exist in California under the influence of the Schmitz Act. California has no clear policy on sex education. The Legislature actively supports instruction in the subject. Governor Reagan sees no need to encourage it through legislation. The Department of Education is trying to promote family-life courses but lacks the legislative tools to do much more than make resources available. On the community level, the crucial element is trust — between the parents and the community on the one hand and the teachers and school officials on the other. When that trust is lacking, observed Craig Armstrong, vice principal at Davis High School, "some parents would rather have their child get the information about sexuality and human relations on the newsstand, on TV and at the movies than trust the teacher."

'Making of the governor 1974'

The California Center for Research and Education in Government, publisher of *California Journal,* has received a grant from the Ford Foundation and the John and Mary R. Markle Foundation of New York to study the interaction between the candidates and the news media in the 1974 gubernatorial election.

Mary Ellen Leary, former political editor of the old *San Francisco News* and long-time West Coast correspondent for Scripps-Howard, has been appointed project director. Ann W. Johnson, former congressional liaison officer for ACTION, is research associate. They are assisted by *Journal* editors in Sacramento and by field workers in San Diego, Los Angeles and San Francisco assigned to interview and observe candidates and key personnel in newspaper, radio and television newsrooms.

The project will attempt to analyze the relationship between candidates and the various media elements, seeking answers to such basic questions as:

- How do the newspapers, television and radio editors and political reporters view their role in the campaign?
- How are these concepts applied to the daily handling of the gubernatorial election?

Results of the study will be compiled after the November election.

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Complete Primary Election Analysis

Outlook for November:

- **Tight race for governor**
- **Possible Democratic Congressional gains**
- **Continued minority status for GOP legislators**

By ED SALZMAN

The next governor of California, whether Democratic Secretary of State Jerry Brown or Republican State Controller Houston Flournoy, will have been nominated by only about seven percent of the state's adult population. This is hardly the way the election process in a democratic society is supposed to work. But the combination of a large field of candidates and an extraordinarily low voter turnout provided each nominee with only 1.1 million votes. This is equivalent to slightly over five percent of the state's total population. Each now faces the job of wooing an additional 2½ million voters, or thereabouts, to win the election in November.

Even before all the ballots had been counted, the Secretary of State's office estimated that 47.5 percent of the state's registered voters had gone to the polls. This was based on the total number of votes cast for governor, plus an arbitrary element to account for those who probably went to the polls but bypassed, for whatever reason, the gubernatorial contest. When the final tabulations are made, however, it appears that the turnout will be about 50 percent, with 51 or 52 per cent of the Democrats voting and 50 to 51 percent of the Republicans.

Even with the increase this is a dismal showing, at least by comparison with previous years. Here are the percentages of voters who participated in the last seven California primaries:

Year	1960	1962	1964	1966	1968	1970	1972
Democrats	61	60	70	61	75	61	72
Republicans	68	70	78	71	72	65	72
Total	**63**	**64**	**72**	**65**	**72**	**62**	**71**

The turnout was the lowest since 1942, when 47.2 percent of the voters cast ballots. The obvious reason for the poor voter response is that the public is turned off politics by Watergate. But the answer may not be so simple. These were among the factors that produced gubernatorial candidates supported by such a small percentage of the electorate:

Television. The people who run the state's television stations apparently felt that the governor's race and state politics in general did not justify major coverage on news shows.

The long ballot. With relatively few incumbents seeking re-election, there was an unusually long list of candidates, and this may have induced potential voters to sit out the primary.

Apathy. Watergate has turned some people off politics.

Anger. Also as a result of Watergate there is anger toward politicians and the political process, especially among Republicans.

Reinecke. The indictment of Lieutenant Governor Ed Reinecke demolished the only major conservative gubernatorial candidate, leaving conservatives with three choices — switching to the moderate Flournoy, sticking with a sinking Reinecke, or staying home.

Polls. Since public-opinion surveys showed Brown and Flournoy as easy winners, why vote?

While the low turnout was perhaps the most significant outcome, other trends were apparent in the voting:

The tickets. Republicans selected a ticket composed exclusively of whites experienced in state government, though with great differences in political philosophy. The ticket ranges from controller nominee Bill Bagley, one of the most liberal Republicans in the Legislature, to U.S. Senate candidate H. L. Richardson, perhaps the state Senate's most conservative member. Democrats, on the other hand, chose a ticket with the opposite characteristics. Every member of the slate is a liberal, but among them are a black (Mervyn Dymally for lieutenant governor), an Oriental (March Fong for secretary of state), and one nominee without previous state experience (William Norris for attorney general).

The slashers. Voters rejected resoundingly almost every candidate for statewide office who launched strong personal attacks on a primary opponent. In some cases, but not always, the attacks were obviously launched by the underdogs in attempts to catch the front-runners.

The incumbents. Contrary to the wisdom of the day, incumbents do not appear in any special trouble because of Watergate; the number of incumbents defeated in the primary was about normal.

The polls. Mervin Field's California Poll (as well as most other surveys) correctly forecast the two big items on the ballot — the governor's race and Proposition 9.

The reformers. The so-called reform groups that put Proposition 9 on the ballot were successful far beyond their expectations. Despite a scare campaign by the opposition ("Save free speech") 70 percent of the voters went for the complex measure designed to cleanse state government of oversensitivity to well-heeled special interests. And the only measure they rejected, Proposition 7, seemed to go in the other di-

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rection in waiving civil-service for some employees of the new Commission on Postsecondary Education. Brown, the leading exponent of Proposition 9, wasn't hurt a bit by his loss of organized labor's endorsement over the issue.

The big winner. William Norris, a little-known Democratic candidate for attorney general, pulled a mild surprise with his convincing victory over Vincent Bugliosi, prosecutor of Charles Manson. With 1.4 million votes, Norris topped the ticket for state constitutional office-seekers — an honor that Treasurer nominee Jesse M. Unruh had expected to win.

The outlook. Brown starts the general-election campaign with a slight lead over Flournoy, according to the polls. Some experts believe that, unless Watergate is all-pervasive, Californians will split tickets and produce a mixed slate of Democrats and Republicans for the first four post-Reagan years. Democrats have an excellent chance of gaining strength in the state's 43-seat congressional delegation, retaining control of the state Senate and increasing the party's present 49-31 advantage in the Assembly.

GUIDE TO TABLES

- **The vote totals** are based on the "unofficial canvass" compiled by the Secretary of State's office.
- **Names printed in bold characters** are the winners.
- **Statistics following each district number** are the registration figures as of April 11th, prepared by the Secretary of State's office.
- **Abbreviations:** Inc. for incumbent, D for Democrat, R for Republican, AIP for American Independent Party and P&F for Peace and Freedom Party.

GOVERNOR *Brown versus Flournoy: a test for the pollsters*

Whatever the outcome in November, California will have elected a governor vastly different from Ronald Reagan. Both Democrat Brown and Republican Flournoy are more liberal than Reagan and have different political styles. Their personalities also differ markedly from Reagan's — and from each other's — although in many respects (other than political philosophy) Brown's political style may be closer to Reagan than to Flournoy.

The Republican race for governor started with Flournoy back in the pack. Then two of the potential contenders (Robert Finch and Evelle Younger) withdrew, leaving only Flournoy and Reinecke as major contenders. When the ITT perjury indictment hit Reinecke, the race was all but over. After that, Flournoy sat back and waited for the fall campaign against the Democratic victor. The polls indicate that had the indictment not been handed down, Reinecke probably would have won. As the primary developed (and even after the election) Flournoy, the Ripon Society Republican, was drawn even closer to Reagan and his "kitchen cabinet." Flournoy won this support by pledging not to dismantle Reagan's "Great Society" or turn out his appointees wholesale and by telling the governor's backers what they wanted to hear about the 1976 presidential contest. Flournoy thus starts the race with support from all elements of the Republican Party, but he still must depend on cross-over votes from plenty of Democrats in order to win the election. In the next few months, he will have to walk a tightrope between Reagan conservatism and the more moderate politics that he prefers and that could be attractive to blue-collar Democrats.

Jerry Brown started the primary race with a huge lead in the polls, the result of a well-known political name (some Democrats probably confused him with his father, Pat Brown, who preceded Reagan as governor), his standing as the only Democratic statewide office-holder, and his image as a reformer in an age of political scandal. Brown's opponents charged, both publicly and privately, that Brown is a lightweight who would fold up under public exposure. But Brown held up well, and his prime critic — former Assembly Speaker Bob Moretti — probably suffered most by exposure. Moretti came on strong in some of his personal attacks on Brown, and that approach likely hurt him. Moretti crested in his successful opposition to the Reagan tax-limitation initiative last fall, but he failed to develop another issue on which to run this spring. Brown had political reform, and San Francisco Mayor Joseph Alioto had law-and-order to talk about as his city's racial slayings dominated his campaign. Alioto emerged in second place but far behind Brown. William Matson Roth came out of nowhere with some $800,000 of his own money to win some important newspaper endorsements and 10 percent of the vote. Congressman Jerome Waldie was hurt by Roth's campaign and anemic financing.

OUTLOOK: The runoff should put the pollsters to the test. The candidates have agreed to debate one another and to limit spending to less than $1.3 million each. Personal attacks will not be launched, because there will be no integrity issue. Brown's stands on major issues are well known; Flournoy has to decide how conservative a stance to take. The result could well be extremely close, and the status of President Nixon's impeachment proceedings could have a significant impact on the outcome (more by taking the governor's race out of the spotlight than by harming all Republicans). Brown and Flournoy both have had remarkable success with the voters — and plenty of political luck as well. It could be a squeaker all the way.

The totals

Abbott (D)	7,538	(0.3%)
Alioto (D)	531,660	(18.9%)
Aloia (D)	18,685	(0.7%)
Anderson (D)	6,730	(0.2%)
Brouillette (D)	7,625	(0.3%)
Brown (D)	1,065,039	(37.8%)
Chote (D)	6,658	(0.2%)
Hafif (D)	76,610	(2.7%)
Moretti (D)	469,877	(16.7%)
Musun (D)	3,684	(0.1%)
Priebe (D)	1,387	
Ramos (D)	6,627	(0.2%)
Robertson (D)	13,263	(0.5%)
Roth (D)	290,095	(10.3%)
Wagner (D)	8,953	(0.3%)
Waldie (D)	214,349	(7.6%)
Ward (D)	78,347	(2.8%)
Wedworth (D)	7,819	(0.3%)
Flournoy (R)	1,138,173	(63.2%)
Mitchell (R)	31,184	(1.7%)
Nelson (R)	22,143	(1.2%)
Reinecke (R)	545,261	(30.3%)
Stay (R)	28,781	(1.6%)
Ware (R)	35,906	(2.0%)
Kaiser (AIP)	12,393	
Higby (P&F)	1,831	(25.4%)
Keathley (P&F)	2,114	(29.3%)
Saposhnek (P&F)	1,485	(20.6%)
Weber (P&F)	1,788	(24.6%)

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UNITED STATES SENATOR *A magnet for conservatives nationwide*

Incumbent Democrat Alan Cranston, who faced no significant challenge in the primary, is considered to be the surest winner of all the nominees. He has carefully modified a formerly liberal image to broaden his appeal to almost the entire California electorate.

The Republican primary was the expected runaway for state Senator H. L. Richardson, a former John Birch Society official who considers Ronald Reagan too far to the left. Richardson built a reputation as the chief conservative critic of the state prison system, demanding that more felons stay in prison longer. His prime opponent was Earl Brian, the young physician who moved up the ranks of the Reagan administration rapidly to head the Health and Welfare Agency. Though Brian hit hard at Cranston and Richardson, he found no issue to make him a household name.

Cranston (Inc. D)	2,204,678	(83.5%)
Gifford (D)	312,128	(11.8%)
Kacsinta (D)	124,685	(4.7%)
Brian (R)	268,840	(16.7%)
Johnson (R)	117,086	(7.3%)
Malatesta (R)	78,593	(4.9%)
Reinholz (R)	105,889	(6.6%)
Richardson (R)	1,038,347	(64.5%)
McCoy (AIP)	12,327	
Justice (P&F)	6,363	

OUTLOOK: Richardson will have to pull a political miracle to defeat Cranston (and said as much during the primary campaign). Yet, Cranston cannot afford to loaf because ultra-conservative Republicans across the nation are taking the Richardson candidacy to heart, and the GOP nominee just could raise enough money to make life unpleasant for the incumbent.

LIEUTENANT GOVERNOR *Harmer-Dymally: a clear choice*

If ever Californians were given a clear choice, the contest for lieutenant governor this year will be it. The Republican nominee, John Harmer, is a conservative Mormon who speaks in righteous legalese. The Democratic candidate is Mervyn M. Dymally, a liberal black native of the West Indies who can talk the language of the Watts ghetto he represents with a Caribbean lilt.

Harmer won in a clear-cut contest with a moderate Republican John G. Veneman, former Nixon administration undersecretary of health, education and welfare. Harmer won the nomination in the big southern counties where Veneman was not well known. The loser said the low GOP turnout hurt him, but the statistics indicate that both conservative and moderate Republicans stayed away in large numbers. Veneman was helped by Harmer's statement that Reinecke should withdraw from the governor's race.

The Democratic quest for the nomination was far more complex. Dymally was the early leader, but he came under sharp attack from attorney Howard Miller (who did poorly). The biggest threat was posed by Dymally's colleague in the state Senate, Lawrence Walsh, who mounted a massive advertising campaign that almost caught Dymally.

Battin (D)	157,524	(6.2%)
Dymally (D)	758,061	(29.9%)
Gonzales (D)	134,776	(5.3%)
King (D)	52,578	(2.1%)
Merlo (D)	111,166	(4.4%)
Miller (D)	433,141	(17.1%)
Walsh (D)	618,511	(24.4%)
Weingand (D)	272,739	(10.7%)
Harmer (R)	939,740	(56.8%)
Veneman (R)	715,961	(43.2%)
Procell (AIP)	12,118	
Darling (P&F)	1,868	(26.9%)
Seals (P&F)	5,072	(73.1%)

OUTLOOK: California voters normally pick a lieutenant governor of the same party as the governor, but this may not be the case this year. Both Harmer and Dymally are apt to become highly controversial because both have been accused of conflicts-of-interest. Their political philosophies are much wider apart than Brown's and Flournoy's. A Flournoy-Dymally or Brown-Harmer outcome would not be out of the realm of possibility, although Dymally probably starts with a slight lead.

SECRETARY OF STATE *Catching the voters' fancy*

In a year of especially humorless political news, the eliminate-pay-toilets campaign theme of Assemblywoman March K. Fong must have caught the voters' fancy. Fong took television viewers into a public restroom and complained about the 10-cent fee to use the toilet. She also said she was fighting to eliminate the 10-cent payment for emergency phone calls — and wouldn't someone who looks after the little things in life also take care of the big things? In any case, it worked, and Fong is the Democratic nominee for secretary of state, having edged out two tough competitors, Assemblyman Walter Karabian and Cathy O'Neill.

Karabian had plenty of money, but he sought to sell his name instead of what he stands for. O'Neill came on strong as a reformer, but she had to split the women's vote with Fong. Herman Sillas, who some thought would be a strong candidate for the nomination, trailed even Robert Jordan, a perennial candidate.

The Republican race was also well populated, with the two top contenders being Brian Van Camp, former state corporations commissioner appointed by Reagan, and Mike Montgomery, a South Pasadena councilman. Montgomery was the more conservative candidate, but Van Camp had a better organization plus the implied support of Reagan.

Brant (D)	136,054	(5.4%)
Fong (D)	723,895	(28.7%)
Jordan (D)	182,003	(7.2%)
Karabian (D)	680,900	(27.0%)
O'Neill (D)	635,921	(25.2%)
Sillas (D)	162,590	(6.4%)
Fonda (R)	170,607	(11.4%)
Handy (R)	212,417	(14.3%)
Montgomery (R)	337,505	(22.6%)
Shinn (R)	263,872	(17.7%)
Van Camp (R)	506,224	(34.0%)
Ripley (AIP)	12,599	
Feuer (P&F)	3,312	(47.0%)
McGlachlin (P&F)	3,742	(53.0%)

OUTLOOK: Fong will get strong support from women's organizations, but Van Camp already has plenty of Democrats (personal friends from his days as a campus politician at Berkeley) working in his campaign. Nonetheless, Fong is the early favorite.

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CONTROLLER *A rousing race in store*

The Republican nominee, Assemblyman Bill Bagley of Marin County, has already indicated that he plans to attack the claim of his Democratic opponent, Assemblyman Ken Cory, that Cory is the man oil companies fear most. That strategy may have backfired against San Francisco Supervisor Bob Mendelsohn, Cory's major primary opponent who had the support of most of the state's large newspapers. Cory won by 300,000 votes in a contest that looked closer than that before election day.

Bagley managed to solve his two biggest primary problems: Possible name confusion with James Flournoy and the potential outpouring of female voters for Marian LaFollette. As it happened, Flournoy and LaFollette split the vote where Bagley was weakest, and the race wasn't even close.

OUTLOOK: If anyone pays attention, this could be the most rousing race in the state. Cory and Bagley are both excellent politicians. Cory has the advantage of being a southerner, while Bagley is liberal enough to appeal to many Democrats and could be the one Republican to buck a Democratic sweep.

Betts (D)	292,462	(11.7%)
Cameron (D)	198,511	(7.9%)
Cory (D)	1,115,700	(44.5%)
Mendelsohn (D)	813,517	(32.5%)
Rees (D)	85,664	(3.4%)
Bagley (R)	875,592	(51.8%)
J. Flournoy (R)	485,995	(28.7%)
LaFollette (R)	329,711	(19.5%)
Scanlon (AIP)	12,374	
Cassanova (P&F)	5,493	

TREASURER *A novice versus an old pro*

Two years ago, the Democratic nominee for governor was Jess Unruh. Now, the Democratic nominee for state treasurer is Jesse M. Unruh. It's the same fellow, but he decided to go back to his maiden name, the one he used during the years he ruled the state Assembly as speaker. Unruh jumped into the race after the Republican incumbent, Ivy Baker Priest, announced that she would not seek a third term because of health problems. Unruh's candidacy angered young Gray Davis, an associate of Los Angeles Mayor Tom Bradley, who thought he was going to win the nomination. Although Davis slashed away at Unruh, the man with the superior name identification — whether Jess or Jesse — still won with ease, although he failed to pile up quite the massive vote he had predicted. As it turned out, state Senator Alan Short did as well as Davis.

With Priest retiring, John Kehoe, a former Democrat who had served as director of Consumer Affairs under Governor Reagan, jumped into the swim with Unruh. Despite the implied support of the governor, Kehoe didn't win all that convincingly over Henry Quigley of Orange County, a favorite of GOP conservatives.

OUTLOOK: Kehoe, inexperienced at campaigning, hasn't yet displayed any special flare, but Unruh is so controversial the vote will amount to a show of confidence in the once-powerful speaker. Unruh has tried to become a reformer, rejecting fat-cat political contributions. While the voters may doubt his sincerity in this, Unruh ran a very good race against Reagan two years ago and may demolish a political neophyte like Kehoe.

Davis (D)	567,509	(22.2%)
Haskins (D)	256,530	(10.1%)
Short (D)	566,376	(22.2%)
Unruh (D)	1,161,546	(45.5%)
Jones (R)	382,344	(25.7%)
Kay (R)	123,209	(8.3%)
Kehoe (R)	542,925	(36.5%)
Quigley (R)	437,927	(29.5%)
***Fortner* (AIP)**	12,378	

ATTORNEY GENERAL *A new Democratic face*

Incumbent Republican Evelle J. Younger was a rare bird in this primary — an office-holder seeking reelection without opposition. And only two Democrats sought to challenge him in November, Vincent Bugliosi, prosecutor of Charles Manson, and William Norris, former Los Angeles police commissioner. Bugliosi had the better name identification, but the word seemed to spread by word-of-mouth that Norris was one of the best Democratic candidates for anything this year. Norris ran like gangbusters, even in the "cow counties", where he had previously been unknown.

OUTLOOK: Younger may get a tougher race than he expected. Norris has shown that he has appeal, and Younger's name has been mentioned in connection with an oil-investment fraud. Younger starts with the advantages of incumbency and the support of the *Los Angeles Times*.

Younger (Inc. R)	1,627,481	
Bugliosi (D)	1,009,995	(42.3%)
Norris (D)	1,375,466	(57.7%)

SUPERINTENDENT OF PUBLIC INSTRUCTION *Another term for Riles*

The potential conservative threat to incumbent Wilson Riles flopped miserably. The supposed leading challenger, former Deputy Superintendent Everett Calvert (under Rile's predecessor, Max Rafferty), finished third while Riles piled up two-thirds of the vote in a field of seven to win outright his second four-year term.

Riles (Inc.)	2,939,748	(67.7%)
Calvert	334,155	(7.7%)
Hernandez	176,819	(4.1%)
Jindrich	200,560	(4.6%)
Linville	353,666	(8.2%)
Lloyd	248,570	(5.7%)
Meyer	85,822	(2.0%)

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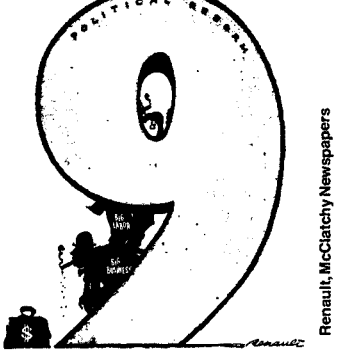
PROPOSITIONS *A strong tide of reform*

California voters went to the voting booth with little apparent doubt how they felt about the two major measures on the ballot. Proposition 9, the so-called political reform initiative, was given almost 70 percent of the vote despite the opposition of organized labor, big business, Governor Reagan, Houston Flournoy, Joe Alioto and plenty of other big names. Proposition 9 was a complex proposal that few could be expected to understand. But the voters recognized it as an attempt to minimize hanky-panky, and they weren't going to quibble about details. And the only proposition that went down to defeat, number seven, appeared to weaken the civil service system by allowing the new Postsecondary Education Commission to fill a few posts by outright appointment. Proposition 5, the second major proposal, will allow state highway funds to be used for rapid-transit purposes; it received 60 percent of the vote.

Proposition 1 (park bonds)	**For**	2,607,300	(59.9%)
	Against	1,749,038	(40.1%)
Proposition 2 (water bonds)	**For**	3,070,866	(70.5%)
	Against	1,288,030	(29.5%)
Proposition 3 (Veterans bonds)	**For**	3,163,397	(72.3%)
	Against	1,214,586	(27.7%)
Proposition 4 (tax assessment)	**Yes**	3,408,406	(78.9%)
	No	910,376	(21.1%)
Proposition 5 (mass transit)	**Yes**	2,651,878	(60.3%)
	No	1,746,789	(39.7%)
Proposition 6 (open meetings)	**Yes**	3,240,701	(78.9%)
	No	865,544	(21.1%)
Proposition 7 (civil service)	Yes	1,924,653	(47.2%)
	No	2,154,776	(52.8%)
Proposition 8 (city consolidation)	**Yes**	2,362,378	(61.6%)
	No	1,471,536	(38.4%)



Renault, McClatchy Newspapers

Looking for That Loophole

Proposition 9 (political reform)	**Yes**	3,146,013	(69.8%)
	No	1,362,034	(30.2%)

How much of a reform will Proposition 9 actually bring about? The answer depends upon two unknowns:

- How much of its 21,000 or so words will be upheld as constitutional under challenge? Several key sections will be tested, but opponents were dealt a blow when the state Supreme Court upheld the 1973 Governmental Conflicts of Interest Act in a unanimous ruling.
- Who will be appointed to the new commission charged with overseeing the reform law? If most members of the five-member commission are old-line politicians, the proposition will probably not pack much of an initial wallop. But if the commission is run by zealous reformers there can be a major change overnight in the power of lobbyists and the interests they represent in Sacramento.

BOARD OF EQUALIZATION

Not since the fifties have the Republicans held even one seat on this relatively noncontroversial tax-collecting board (except for an ex officio fifth member, the state controller). The Democrats seem to have a permanent hold on these offices, and it would take a major scandal or a GOP victory of unprecedented proportions to change the complexion of the board. All four incumbents won their primaries without major difficulty.

OUTLOOK: The four incumbents — George Reilly of San Francisco, John Lynch of Fresno, Bill Bennett of Marin County and Richard Nevins of Pasadena — all look safe. Bennett is the most controversial of the four, and thus the most vulnerable.

DISTRICT 1		
Reilly (Inc. D)	330,502	(58.2%)
Church (D)	153,401	(27.0%)
Partello (D)	83,959	(14.8%)
Arklin (R)	134,823	(37.1%)
Bagdonas (R)	123,754	(34.1%)
McGee (R)	104,651	(28.8%)
Propst (P&F)	1,815	
DISTRICT 2		
Lynch (Inc. D)	285,205	(55.5%)
Covell (D)	24,069	(4.7%)
Crago (D)	11,271	(2.2%)
Heising (D)	93,630	(18.2%)
Manzo (D)	50,654	(9.9%)
Sloan (D)	29,075	(5.7%)
Wocher (D)	19,524	(3.8%)
Smith (R)	188,278	(44.8%)
Templeton (R)	231,649	(55.2%)
DISTRICT 3		
Bennett (Inc. D)	524,483	
Mastrangelo (R)	193,755	(57.2%)
Sullivan (R)	145,221	(42.8%)
Stancliffe (AIP)	2,385	
DISTRICT 4		
Nevins (Inc. D)	403,516	(72.9%)
Tobias (D)	149,682	(27.1%)
Getty (R)	151,134	(56.3%)
Kindt (R)	117,396	(43.7%)
Timko (P&F)	1,531	

CONGRESS

Assemblyman John L. Burton of San Francisco won a special election June 4th for the seat vacated by Republican William S. Mailliard, who resigned following reapportionment of his district to accept appointment as ambassador to the Organization of American States. Democrat Burton joined his older brother, Phil, in the House of Representatives, forming a unique brother team. John Burton's victory gave Democrats a 24-19 majority of the state's House seats. Not a single incumbent was ousted in the primary, with controversial Republican Representative Pete McCloskey of San Mateo County experiencing the closest call.

DISTRICT 1 (47% R, 37% D)

Johnson (Inc. D)	63,417	(79.8%)
Steele (D)	16,008	(20.2%)
Paradis (AIP)	390	

Bizz Johnson of Roseville is one of the state's most entrenched congressmen, and he has no GOP opposition. SAFE DEMOCRATIC.

DISTRICT 2 (56% D-37% D)

Clausen (Inc. R)	47,310	(82.8%)
Richter (R)	9,851	(17.2%)
Boskovich (D)	13,546	(17.7%)
Brown (D)	18,895	(24.6%)
Hanratty (D)	13,320	(17.4%)
Klee (D)	22,158	(28.9%)
Losh (D)	8,736	(11.4%)
Glass (P&F)	459	

Don Clausen of Crescent City usually wins in a walk, but this could be a rough year. Watergate could put Democrat Oscar Klee, a Mendocino County tax consultant and fisherman, into contention. LEANS REPUBLICAN.

DISTRICT 3 (61% D-33% R)

Moss (Inc. D)	61,085
Lenci (R)	32,245

Veteran Democrat John Moss of Sacramento should win by a whopping margin in November. SAFE DEMOCRATIC.

DISTRICT 4 (63% D-31% R)

Leggett (Inc. D)	57,251

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Representative Robert L. Leggett of Solano County is unopposed. SAFE DEMOCRATIC.

DISTRICT 5 (58% D-33% R)

J. Burton (Inc. D)	49,730 (70.5%)
French (D)	6,181 (8.8%)
McGuire (D)	9,517 (13.5%)
Reeves (D)	5,120 (7.3%)
Caylor (R)	23,511 (61.3%)
McCarthy (R)	6,224 (16.2%)
Wall (R)	8,603 (22.4%)
Broshears (P&F)	290

John Burton of San Francisco could lose to Republican Thomas Caylor only if he pulls a major blunder in Washington, and big brother Phil won't let him. SAFE DEMOCRATIC.

DISTRICT 6 (69% D-24% R)

P. Burton (Inc. D)	56,762
Spinosa (R)	16,285
David (AIP)	120
Siegel (P&F)	270

Representative Phillip Burton of San Francisco faces only token opposition from perennial candidate Tom Spinosa. SAFE DEMOCRATIC.

DISTRICT 7 (61% D-34% R)

Besserra (D)	7,262 (12.8%)
Carter (D)	10,582 (18.7%)
Helix (D)	12,905 (22.8%)
Maguire (D)	1,636 (2.9%)
Miller (D)	21,434 (37.8%)
Reber (D)	1,207 (2.1%)
Smith (D)	1,624 (2.9%)
Fernandez (R)	26,901

The big Democratic field was prompted by the decision of Jerome Waldie to give up his seat for an unsuccessful run at governor. George Miller, son of the late state Senator George Miller Jr., should defeat Richmond Councilman Gary Fernandez. But the winner won't be able to rest; Waldie may seek to regain the seat in 1976. LEANS DEMOCRATIC.

DISTRICT 8 (63% D-29% R)

Dellums (Inc. D)	54,508 (68.3%)
Aller (D)	16,887 (21.2%)
Murphy (D)	8,436 (10.6%)
Breck (R)	9,522 (27.6%)
Redden (R)	16,189 (46.9%)
Wysinger (R)	8,799 (25.5%)
Holland (AIP)	176

Democrat Ronald Dellums of Berkeley showed in the primary that he has not been burned too badly by redistricting. He should defeat Republican Jack Redden, a Berkeley lawyer and educator. SAFE DEMOCRATIC.

DISTRICT 9 (63% D-31% R)

Stark (Inc. D)	48,762 (81.1%)
Alvarado (D)	11,368 (18.9%)
Adams (R)	23,555

Freshman Pete Stark of Danville should win a second term with ease. SAFE DEMOCRATIC.

DISTRICT 10 64% D-28% R)

Edwards (Inc. D)	41,995 (77.8%)
Banducci (D)	12,004 (22.2%)
Enright (R)	10,443 (51.9%)
Montgomery (R)	9,672 (48.1%)

Veteran Democrat Don Edwards of San Jose is solidly entrenched. SAFE DEMOCRATIC.

DISTRICT 11 (57% D-36% R)

Ryan (Inc. D)	54,009 (83.5%)
L. Merdinger (D)	10,673 (16.5%)
B. Merdinger (R)	30,972
Kudrovzeff (AIP)	159

Even the combined primary vote of the Merdingers, Democrat Lydia and Republican Brainard, would not be sufficient to knock off incumbent Leo J. Ryan of South San Francisco. Lydia ran in the primary to help publicize her husband's campaign for the general and get Democrats used to voting for a Merdinger. SAFE DEMOCRATIC.

DISTRICT 12 (52% D-41% R)

McCloskey (Inc. R)	29,371 (49.8%)
Fredrich (R)	1,097 (1.9%)
Knapp (R)	28,504 (48.3%)
Gillmoor (D)	17,619 (31.9%)
Rhodes (D)	11,239 (20.4%)
Skornia (D)	16,113 (29.2%)
Spitters (D)	10,179 (18.5%)

Liberal Republican Pete McCloskey squeaked to victory over businessman Gordon Knapp. McCloskey was aided by the presence of a third Republican in the race and by some 2,000 Democrats who switched parties to support McCloskey. Gary Gillmoor, mayor of Santa Clara, would have had a chance to beat Knapp. SAFE REPUBLICAN.

DISTRICT 13 (52% D-40% R)

Friedman (D)	7,426 (13.0%)
Mineta (D)	44,515 (77.8%)
Simpkins (D)	5,262 (9.2%)
Gallant (R)	3,229 (7.0%)
Gualtieri (R)	6,235 (13.6%)
Hadreas (R)	1,920 (4.2%)
Milias (R)	21,250 (46.3%)
Shaffer (R)	13,251 (28.9%)
Stancliffe (AIP)	136
Barron (P&F)	125

Mayor Norman Mineta of San Jose and former Assemblyman George Milias figure to run a close race for this seat being vacated through the retirement of veteran Republican Charles Gubser. Mineta came out of the primary looking stronger, but this has previously been GOP territory. DOUBTFUL.

DISTRICT 14 (57% D-37% R)

McFall (Inc. D)	54,238 (80.5%)
Rogers (D)	9,074 (13.5%)
Romack (D)	4,068 (6.0%)
Gibson (R)	17,443 (55.9%)
Gilbert (R)	13,776 (44.1%)
Blain (AIP)	372

House Democratic whip John J. McCall of San Joaquin County should win easily. SAFE DEMOCRATIC.

DISTRICT 15 (64 D-31 R)

Sisk (Inc. D)	50,167
Harner (R)	19,179

Few politicians cover the bases as well as Bernie Sisk, who should win another term by a big margin. SAFE DEMOCRATIC.

DISTRICT 16 (53% D-39% R)

Talcott (Inc. R)	40,805
Camacho (D)	41,387 (61.7%)
Flagg (D)	11,872 (17.7%)
Harry (D)	13,830 (20.6%)
Mauro (AIP)	291

Democrat Julian Camacho, a Capitola engineer, showed plenty of strength in the primary, and incumbent Republican Burt Talcott is in trouble. Talcott is hurt by a loss of personal popularity, redistricting and Watergate. DOUBTFUL.

DISTRICT 17 (59% D-37% R)

Mathias (Inc. R)	30,346 (82.2%)
Ettner (R)	6,580 (17.8%)
Krebs (D)	29,986 (61.5%)
Lavery (D)	10,973 (22.5%)
Morgan (D)	7,836 (16.1%)

Incumbent Bob Mathias of Tulare, former Olympic decathlon champion, is in trouble. Weakened by Watergate and reapportionment, he faces a tough opponent in Fresno County Supervisor John Krebs. DOUBTFUL.

DISTRICT 18 (56% D-39% R)

Ketchum (Inc. R)	28,327 (71.1%)
Miller (R)	4,474 (11.2%)
Nelson (R)	7,064 (17.7%)
Seielstad (D)	25,222 (51.4%)
Timmermans (D)	23,843 (48.6%)

Incumbent Bill Ketchum won two years ago without much margin to spare. Now he is running in a redrawn district in the Watergate era, but he is an exceptionally aggressive campaigner. The Democratic nominee, scientist George Seielstad, comes from a remote part of the district. LEANS REPUBLICAN.

DISTRICT 19 (53% D-39% R)

Lagomarsino (Inc. R)	45,077 (91.0%)
Ford (R)	4,482 (9.0%)
Handley (D)	11,802 (21.1%)
Loebl (D)	33,089 (59.2%)
Margolis (D)	11,006 (19.7%)

Republican Robert J. Lagomarsino of Ojai won this seat in a special election this year – the only GOP candidate to win a congressional seat in a special election during the Watergate furor. He could face a stiff challenge in November from James Loebl, mayor of Ojai. LEANS REPUBLICAN.

DISTRICT 20 (47% D-46% R)

Goldwater (Inc. R)	50,173 (91.3%)
Garner (R)	4,795 (8.7%)
Goss (D)	2,723 (5.4%)
Lawrence (D)	14,077 (28.0%)
Mathews (D)	21,500 (42.8%)
Pelser (D)	4,268 (8.5%)
Sweeney (D)	5,870 (11.7%)
Wittingham (D)	1,822 (3.6%)

Republican Barry Goldwater Jr. of Burbank should pull through in November against Arline Mathews, a consumer-boycott leader. This district is simply too Republican for Democrats to anticipate an upset. SAFE REPUBLICAN.

DISTRICT 21 (60% D-33% R)

Corman (Inc. D)	58,800
Nadell (R)	24,261

Democrat James Corman of Reseda has developed a solid following in his once-shaky constituency. He should win easily. SAFE DEMOCRATIC.

DISTRICT 22 (42% D-62% R)

Moorhead (Inc. R)	53,053 (86.2%)
Fox (R)	8,475 (13.8%)
Hallin (D)	27,911 (66.6%)
Pak (D)	13,975 (33.4%)

Republican Carlos J. Moorhead of Glendale has such a soft touch that he has been able to vote President Nixon's way on the House Judiciary Committee. SAFE REPUBLICAN.

DISTRICT 23 (60% D-33% R)

Rees (Inc. D)	82,148 (93.1%)
Yohanna (D)	6,041 (6.9%)
Roberts (R)	34,788

Incumbent Thomas M. Rees of Beverly Hills should have no problem winning another term. SAFE DEMOCRATIC.

DISTRICT 24 (59% D-32% R)

Hopkins (D)	7,852 (11.3%)
Selwyn (D)	10.132 (14.5%)
Waxman (D)	51,806 (74.2%)
Bennett (R)	2,109 (6.6%)
Coleman (R)	8,262 (25.9%)
Deritis (R)	3,416 (10.7%)
Frisina (R)	8,429 (26.4%)
Graham (R)	9,734 (30.5%)
Davis (AIP)	284

For Assemblyman Henry Waxman of Los Angeles, winning the Democratic primary was tantamount to taking a seat in Congress from this new heavily Jewish district. SAFE DEMOCRATIC.

DISTRICT 25 (67% D-22% R)

Roybal (Inc. D)	37,536

Two more years the easy way for Ed Roybal of Los Angeles. SAFE DEMOCRATIC.

DISTRICT 26 (44% D-49% R)

Rousselot (Inc. R)	53,005
Conforti (D)	21,641 (48.9%)
Patton (D)	5,753 (13.0%)
Regnier (D)	2,469 (5.6%)
Seegmiller (D)	14,386 (32.5%)

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John Rousellot of San Marino has one of the relatively few safe GOP districts. SAFE REPUBLICAN.

DISTRICT 27 (47% D-44% R)

Bell (Inc. R)	44,873	(81.6%)
Mlikotin (R)	10,122	(18.4%)
Brown (D)	6,131	(12.4%)
Dalessio (D)	17,805	(36.1%)
De Cou (D)	16,504	(33.5%)
Killmeyer (D)	6,577	(13.4%)
Miciak (D)	2,246	(4.6%)
Rubin (P&F)	358	

Veteran Alphonzo Bell should be safe unless total disaster strikes the GOP. SAFE REPUBLICAN.

DISTRICT 28 (72% D-22% R)

Burke (Inc. D)	65,799	(89.8%)
Lofton (D)	7,438	(10.2%)
Neddy (R)	16,169	

Yvonne Brathwait Burke of Los Angeles, one of the best-known members of the California delegation, has a rock-solid Democratic district. SAFE DEMOCRATIC.

DISTRICT 29 (83% D-14% R)

Hawkins (Inc. D)	50,926	(87.0%)
Young (D)	7,632	(13.0%)

With no GOP opposition, veteran Augustus Hawkins of Los Angeles is assured reelection. SAFE DEMOCRATIC.

DISTRICT 30 (69% D-24% R)

Danielson (Inc. D)	30,517	(53.6%)
Sanchez (D)	5,387	(9.5%)
Torres (D)	21,059	(37.0%)
Espinosa (R)	3,770	(25.5%)
Ortiz (R)	5,443	(36.8%)
Perez (R)	5,580	(37.7%)

Congressman George Danielson of Monterey Park, having survived the usual Chicano challenge in the primary, should win handily in November. SAFE DEMOCRATIC.

DISTRICT 31 (71% D-22% R)

C. Wilson (Inc. D)	29,017	(56.2%)
Card (D)	12,360	(24.0%)
Tucker (D)	10,221	(19.8%)
Hodges (R)	12,208	
Taylor (P&F)	73	

Veteran Charles Wilson of Hawthorne might have been taken in the primary by a single strong opponent. He looks safe now for two more years. SAFE DEMOCRATIC.

DISTRICT 32 (61% D-31% R)

Anderson (Inc. D)	44,372	
Badalich (AIP)	300	
Walker (P&F)	113	

A former lieutenant governor, Glenn Anderson of Harbor City has found a home in Congress, and he will not get evicted this year. SAFE DEMOCRATIC.

DISTRICT 33 (52% D-42% R)

Clawson (Inc. R)	37,811	
McKechnie (D)	8,171	(15.8%)
Megdal (D)	3,363	(6.5%)
O'Donnell (D)	9,902	(19.2%)
Olivet (D)	5,466	(10.6%)
Snyder (D)	9,481	(18.4%)
Storey (D)	876	(1.7%)
Watson (D)	3,457	(6.7%)
White (D)	**10,934**	**(21.2%)**
Griffin (AIP)	397	

In a normal year, veteran Del Clausen would have few worries. With Watergate, there is an outside chance that Norwalk Councilman Bob White can beat him. LEANS REPUBLICAN.

DISTRICT 34 (52% D-42% R)

Edgerton (D)	4,147	(6.8%)
Gigliotti (D)	2,829	(4.6%)
Hannaford (D)	14,794	(24.1%)
Housley (D)	3,159	(5.1%)
Murray (D)	12,683	(20.6%)
Rodecker (D)	3,529	(5.7%)
Rubley (D)	5,559	(9.1%)
Sassone (D)	6,166	(10.0%)
Schultz (D)	1,433	(2.3%)
Sloan (D)	2,194	(3.6%)
Waters (D)	4,949	(8.1%)
Bond (R)	21,978	(44.9%)
Phillips (R)	16,328	(33.3%)
Semeraro (R)	834	(1.7%)
Sousa (R)	6,424	(13.1%)
Stevens (R)	3,404	(7.0%)
Manis (AIP)	314	
Donohue (P&F)	149	

The retirement of Republican Craig Hosmer of Long Beach brought out a flood of candidates for what usually would be a Republican seat. But even with Assemblyman Bill Bond winning the GOP nomination, there is a chance that Lakewood Councilman Mark Hannaford can win in November. Hannaford won the Democratic primary despite an aggressive campaign by Dennis Murray, a Long Beach State University administrator. Bond had to work hard to beat Long Beach Councilman Don Phillips. LEANS REPUBLICAN.

DISTRICT 35 (51% D-44% R)

Veysey (Inc. R)	31,032	(75.5%)
Barreca (R)	4,441	(10.8%)
Gerardo (R)	5,622	(13.7%)
Cooper (D)	1,433	(3.0%)
Craven (D)	4,371	(9.2%)
Kasem (D)	6,472	(13.7%)
Lloyd (D)	11,080	(23.4%)
Maurer (D)	1,388	(2.9%)
McClure (D)	5,108	(10.8%)
Montes (D)	5,936	(12.5%)
Roberts (D)	1,655	(3.5%)
Shirey (D)	2,370	(5.0%)
Stafford (D)	7,492	(15.8%)

This is a new district produced by reapportionment. Republican Victor Veysey, foreclosed from winning reelection in his old constituency, moved from Imperial County to Claremont to try his hand in this district. Normally, the Republican nominee would win, but the carpetbagger issue could hurt Veysey and elect Democrat Jim Lloyd, a West Covina councilman who won the wild scramble among the 10 Democratic candidates. LEANS REPUBLICAN.

DISTRICT 36 (60% D-34% R)

Brown (Inc. D)	40,013	(75.7%)
Adkins (D)	7,035	(13.3%)
Mendoza (D)	5,833	(11.0%)
Austin (R)	5,101	(18.2%)
Osgood (R)	23,000	(81.8%)
Pasley (AIP)	286	

After a shaky primary win two years ago, veteran Representative George Brown of Colton seems to have solidified his position. Jim Osgood, a Lake Arrowhead businessman, will probably mount a major campaign to unseat him, however. SAFE DEMOCRATIC.

DISTRICT 37 (47% D-47% R)

Pettis (Inc. R)	46,421	
Randall (D)	8,945	(19.5%)
Richardson (D)	10,595	(23.1%)
Sumpter (D)	8,029	(17.5%)
Vincent (D)	18,267	(39.9%)
Ortman (AIP)	477	

Popular Jerry Pettis of Loma Linda normally runs far ahead of his Republican registration. His margin may be cut this time, but he should still win without major difficulty. SAFE REPUBLICAN.

DISTRICT 38 (53% D-40% R)

Adler (D)	16,753	(36.1%)
Holland (D)	5,739	(12.4%)
Nasser (D)	2,309	(5.0%)
Patterson (D)	21,657	(46.6%)
Clemens (R)	3,739	(12.2%)
Neugebauer (R)	9,838	(32.2%)
Rehmann (R)	14,099	(46.1%)
Risser (R)	2,911	(9.5%)
Rayburn (AIP)	387	
Kallenberger (P&F)	82	

This district poses an excellent opportunity for the Republicans to take a seat now held by a Democrat, retiring Dick Hanna. The GOP nominee, David Rehmann of Garden Grove, has received a wealth of publicity from his internment as a Vietnam prisoner of war. The Democratic candidate, Councilman Jerry Patterson of Santa Ana will need some Watergate help to hold the seat for his party. DOUBTFUL.

DISTRICT 39 (42% D-51% R)

Wiggins (Inc. R)	40,968	(74.4%)
Ashley (R)	7,212	(13.1%)
Shinn (R)	6,898	(12.5%)
Davidson (D)	6,877	(15.8%)
Farris (D)	16,841	(38.6%)
Perkins (D)	5,099	(11.7%)
Sheinblum (D)	3,082	(7.1%)
Tuohey (D)	11,712	(26.9%)
Scalera (AIP)	381	

Incumbent Charles E. Wiggins drew a large field but is still not in danger. The district is not apt to go Republican, even in a good Democratic year. SAFE REPUBLICAN.

DISTRICT 40 (36% D-56% R)

Hinshaw (Inc. R)	52,263	(69.5%)
Carraway (R)	4,483	(6.0%)
Gubler (R)	13,006	(17.3%)
Lanphear (R)	5,500	(7.3%)
Graef (D)	11,970	(30.5%)
Hare (D)	8,028	(20.5%)
Wilson (D)	19,242	(49.0%)
Watkins (AIP)	329	

Even the magic name of Wilson (there are three other Wilsons holding office in San Diego) will not be enough to win the seat for Democrat Rod Wilson in this Orange-San Diego constituency. Incumbent Andrew Hinshaw has the safest GOP district in the state. SAFE REPUBLICAN.

DISTRICT 41 (47% D-44% R)

B. Wilson (Inc. R)	48,210	
Brady (D)	6,724	(11.9%)
Caprio (D)	6,229	(11.0%)
Crain (D)	9,264	(16.4%)
Finnigan (D)	8,175	(14.4%)
Golden (D)	7,864	(13.9%)
Hoffman (D)	1,429	(2.5%)
O'Connor (D)	6,947	(29.9%)
Franson (AIP)	391	

Democrats have been doing much better in this part of San Diego in recent elections, and incumbent Bob Wilson may get his toughest opposition in many years come November. He will face an aggressive opponent in Colleen Marie O'Connor, a history teacher, but Watergate is probably the key to how close the contest will be. LEANS REPUBLICAN.

DISTRICT 42 (57% D-37% R)

Van Deerlin (Inc. D)	38,084	
Marden (R)	20,955	

Incumbent Lionel Van Deerlin was given the most Democratic parts of San Diego, and he should repeat by a large margin. SAFE DEMOCRATIC.

DISTRICT 43 (43% D-49% R)

Burgener (Inc. R)	63,216	
Ascherfeld (D)	11,209	(21.5%)
Bandes (D)	25,572	(49.1%)
Rock (D)	15,317	(29.4%)

Republican Clair Burgener of Rancho Santa Fe is a household name in his district (He is a large real estate operator.) and his popularity matches his name identity. SAFE REPUBLICAN.

OUTLOOK: The Watergate climate could provide the Democrats with an opportunity to make a significant gain in California Congressional seats.

THE SUMMARY: 22 Safe Democratic, 1 Leaning Democratic, 9 Safe Republican, 7 Leaning Republican, 4 Doubtful.

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STATE SENATE

Neither of the two endangered incumbents, Republican Peter H. Behr of Marin County and Democrat Ralph Dills of Los Angeles County, came nearly as close to being defeated as indicated. In an important open-seat race, Nate Holden, president of the California Democratic Council, edged Assemblyman Frank Holoman in the Democratic primary. Holden's victory in a heavily black section of Los Angeles is considered tantamount to victory.

DISTRICT 2 (55% D-37% R)

Behr (Inc. R)	36,389 (62.7%)
Theiller (R)	21,622 (37.3%)
Banker (D)	47,400 (71.3%)
Grant (D)	19,115 (28.7%)
Novak-Sutley (P&F)	518

After surviving the primary, Behr should win in November. He is the most liberal Republican in the Senate and should attract a large number of Democratic votes. Mendocino County Supervisor Ernest Banker's only chance is a Watergate tidal wave. SAFE REPUBLICAN.

DISTRICT 4 (59% D-35% R)

Dunlap (D)	66,107 (82.0%)
Lucas (D)	4,299 (5.3%)
Wynn (D)	10,253 (12.7%)
McKinley (R)	15,964 (38.2%)
McPherson (R)	25,881 (61.8%)
Marlow (P&F)	167

This district was made to order for Assemblyman John Dunlap, as the vote shows. He should win handily in November against William H. McPherson, a fellow Napa attorney. SAFE DEMOCRATIC.

DISTRICT 6 (64% D-30% R)

Moscone (Inc. D)	66,023
Woods (R)	25,475
Heaps (P&F)	162

Senate majority leader George Moscone of San Francisco should win by a huge margin. SAFE DEMOCRATIC.

DISTRICT 8 (65% D-28% R)

Holmdahl (Inc. D)	52.150 (77.8%)
Triviso (D)	14,839 (22.2%)
Colglazier (R)	22,999

The veteran John Holmdahl of Alameda County took the primary by a wide margin and should do almost as well in November. SAFE DEMOCRATIC.

DISTRICT 10 (52% D-41% R)

Gregorio (Inc. D)	54,291
Spicer (R)	15,852 (32.3%)
Tormey (R)	33,186 (67.7%)
Cooney (AIP)	126

Under normal circumstances, this district could well go Republican. But incumbent Arlen Gregorio of San Mateo fits the district especially well, and this is expected to be a Democratic year. The Republican nominee, attorney Joseph Tormey Jr. of San Mateo, made an impressive primary showing. LEANS DEMOCRATIC.

DISTRICT 12 (53% D-40% R)

Bradley (Inc. R)	44,537
Beauzay (D)	21,206 (35.5%)
Harrison (D)	11,995 (20.1%)
Smith (D)	26,610 (44.5%)
Herrell (AIP)	155

Mayor Jerry Smith of Saratoga is expected to give the veteran conservative Clark L. Bradley of San Jose one of the toughest races of his career. DOUBTFUL.

DISTRICT 14 (65% D-31% R)

Zenovich (Inc. D)	49,133

Incumbent George N. Zenovich of Fresno, unopposed has been campaigning like a beaver – to replace James Mills as Senate president pro tempore. SAFE DEMOCRATIC.

DISTRICT 16 (55% D-40% R)

Stiern (Inc. D)	50,242
Jackson (R)	36,988

Supervisor LeRoy M. Jackson of Kern County will be the next to take a crack at theoretically vulnerable Senator Walter Stiern of Bakersfield. This is not expected to be the right year to knock off Democratic incumbents. LEANS DEMOCRATIC.

DISTRICT 18 (52% D-40% R)

Hayes (D)	12,204 (19.9%)
Herron (D)	13,356 (21.7%)
Kinney (D)	17,463 (28.4%)
Rains (D)	18,413 (30.0%)
Albinger (R)	9,793 (19.1%)
Catterlin (R)	10,176 (19.9%)
MacGillivray (R)	24,392 (47.6%)
McPherson (R)	6,834 (13.3%)
Mohr (P&F)	201

Assemblyman Don MacGillivray of Santa Barbara is the best known candidate in the race, but his showing in the primary leads Democrats to believe that he can be beaten by attorney Omer L. Rains of Ventura. This is a district in which environmental issues are supreme and registration statistics can be deceptive. MacGillivray and Rains are competing for the seat vacated by Congressman Robert J. Lagomarsino, a Republican. The winner of a MacGillivray-Rains special election on July 2nd will have the upper hand in November. DOUBTFUL

DISTRICT 20 (60% D-33% R)

Robbins (Inc. D)	55,704 (81.6%)
Lewis (D)	8,392 (12.3%)
Meloni (D)	4,200 (6.1%)
Ellis (R)	27,580
Knaizansky-Tucker (P&F)	214

Freshman Senator Alan Robbins appears to have a solid grasp on this San Fernando Valley district. SAFE DEMOCRATIC.

DISTRICT 22 (59% D-33% R)

Beilenson (Inc. D)	83, 243
Bauer (R)	20.525 (53.1%)
Finer (R)	18,125 (46.9%)
Garris (P&F)	436

Reapportionment gave Senator Anthony Beilenson of Beverly Hills a weaker district, but he should still carry it handily. SAFE DEMOCRATIC.

DISTRICT 24 (68% D-22% R)

Garcia (D)	35,208
Martinez (R)	9,070
Mount (P&F)	159

This district is made to order for a Chicano Democrat, and Assemblyman Alex Garcia emerged from the back-room maneuvering with a clear shot at the seat. SAFE DEMOCRATIC.

DISTRICT 26 (65% D-28% R)

Song (Inc. D)	50,744
Schroetter (R)	20,177

Senator Alfred Song of Monterey Park is too deeply entrenched in this solid Democratic district to be dislodged even by a series of adverse articles in the Los Angeles Times. *SAFE DEMOCRATIC.*

DISTRICT 28 (70% D-24% R)

Dills (Inc. D)	31,556 (55.9%)
Miller (D)	13,123 (23.3%)
Pauley (D)	11,739 (20.8%)
Brown (R)	13,087

Incumbent Ralph Dills of Gardena displayed plenty of strength in fighting off vigorous challenges from two Democrats. Republican Dennis Brown, a Bellflower businessman, cannot expect to pick off enough anti-Dills Democrats to win in November. SAFE DEMOCRATIC.

DISTRICT 30 (70% D-24% R)

Durst (D)	2,474 (3.3%)
Holden (D)	33,191 (44.1%)
Holoman (D)	31,966 (42.5%)
Smith (D)	5,970 (7.9%)
Warren (D)	1,629 (2.2%)
Borges (R)	7,826 (37.8%)
Mechtold (R)	12,876 (62.2%)

This district was redistricted to suit a black Democrat, and a tight contest developed between Assemblyman Frank Holoman and Nate Holden, president of the California Democratic Council. Holden's primary victory is tantamount to election. SAFE DEMOCRATIC.

DISTRICT 32 (58% D-36% R)

Ayala (Inc. D)	45,771
Marcus (R)	33,219
Clark (AIP)	313

Republicans lost their best shot at this seat in January when GOP Assemblyman Jerry Lewis was beaten in a special election runoff by Democrat Ruben S. Ayala of Chino. Ayala should keep his seat. SAFE DEMOCRATIC.

DISTRICT 34 (51% D-43% R)

Biddle (Inc. R)	41,880 (83.4%)
Wehinger (R)	8,313 (16.6%)
Presley (D)	49,101
Meadows (AIP)	439

Incumbent Republican Craig Biddle of Riverside might be able to rest easily in a normal year. But he narrowly defeated Undersheriff Bob Presley the last time they met, and in a year of Watergate the Democrat could win. DOUBTFUL.

DISTRICT 36 (37% D-55% R)

Carpenter (Inc. R)	75,697
Barbaro (D)	42,524
Bogart (AIP)	335

Even a Democratic landslide of mammoth proportions couldn't defeat GOP caucus chairman Dennis E. Carpenter of Newport Beach in this hard-rock Republican area. SAFE REPUBLICAN.

DISTRICT 38 (43% D-50% R)

Stull (Inc. R)	64,972
Stahl (D)	50,826

Senator John Stull of San Diego County could spend the next five months in Tijuana and still win by a wide margin. SAFE REPUBLICAN.

DISTRICT 40 56% D-35% R)

Mills (Inc. D)	42,214
McKinney (R)	24,965

Senate President pro Tempore James R. Mills is more concerned with losing his leadership post to Zenovich or another challenger than losing his seat to a Republican. SAFE DEMOCRATIC.

OUTLOOK: Of the 20 holdover senators with terms expiring in 1976, eight are Democrats and 12 are Republicans. Thus, Democrats need to pick up 13 more seats to maintain control of the 40-member upper house.

SUMMARY: Of the 20 seats at stake in November, 14 are held by Democrats, five by Republicans, and one is vacant. These districts break down this way: 12 Safe Democratic, 3 Safe Republican, 2 Leaning Democratic and 3 Doubtful.

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ASSEMBLY

Two veteran Democratic incumbents, Walter Powers of Sacramento and John Quimby of San Bernardino, were turned out of office in their party's primary. Two Republican assemblymen also lost their seats, but under unusual circumstances Powers was dumped convincingly by Sacramento County Supervisor Eugene Gualco after some of the incumbent's traditional support went to the challenger. Quimby, who has been on the political skids in recent years, was opposed by three vigorous opponents; he took only 31 percent of the vote. The winner was Terry Goggin, former administrative assistant to Congressman George Brown.

One Republican incumbent had to lose as the veteran Newton Russell and freshman Mike Antonovich met in a newly apportioned district. Antonovich won by 18 votes (later extended to 54) pending a recount. Russell had the option of moving to a nearby non-incumbent district but elected to go head-to-head with Antonovich. The other GOP loser was ultra-conservative Floyd Wakefield, who lost his district through redistricting and sought to remain in office by moving from South Gate in Los Angeles County to Orange County. He was defeated by Bruce Nestande, a former aide to Governor Reagan and one-time executive of the Republican State Central Committee.

DISTRICT 1 (59% D-36% R)

Davis (Inc. D)	32,524	(73.8%)
McKinney (D)	11,517	(26.2%)
Johnson Inc R)	18,858	(74.5%)
Tschirky (R)	6,455	(25.5%)

This is one of two Assembly contests pitting incumbents against one another as a result of redistricting. Pauline Davis of Plumas County has a definite registration advantage, plus a better knowledge of the territory. But Ray Johnson of Chico has been working hard to avoid political retirement. LEANS DEMOCRATIC.

DISTRICT 2 (58% D-34% R)

Keene (Inc. D)	39,196	
Peterson (R)	22,023	

Barry Keene of Eureka worked the district over well in two previous races and should win a second term. He cannot ignore his opponent, Donald Peterson of Arcata, however, who has a political base as a Humboldt County supervisor. LEANS DEMOCRATIC.

DISTRICT 3 (55% D-40% R)

Chappie (Inc. R)	25,206	
Cameron (D)	7,267	(18.2%)
Carrico (D)	5,918	(14.8%)
Claiborne (D)	7,230	(18.1%)
Cook (D)	3,739	(9.4%)
Crites (D)	1,020	(2.7%)
Norred (D)	2,639	(6.6%)
Reed (D)	12,002	(30.1%)
Moss (AIP)	221	

In previous races, Eugene Chappie of Roseville (formerly of Cool) has run away from the opposition despite unfavorable Democratic registration. Now, he's running in some unfamiliar territory as a result of reapportionment and could be given a tough race by Baron Reed, former mayor of Roseville. LEANS REPUBLICAN.

DISTRICT 4 (61% D-33% R)

Z'berg (Inc. D)	22,846	(53.4%)
Genshlea (D)	12,699	(29.7%)
Holt (D)	3,718	(8.7%)
Stone (D)	3,530	(8.2%)
Abernathy (R)	10,845	(52.6%)
Denholm (R)	1,930	(9.4%)
Parrish (R)	7,850	(38.1%)
Reese (AIP)	109	

Democrat Ed Z'berg of Sacramento, thought vulnerable after serving a short jail term for drunk driving, survived his biggest hurdle by finishing comfortably in front of his toughest primary opponent, attorney Joe Genshlea. Mike Abernathy, a broadcaster who has turned to politics, should not be as tough a test. SAFE DEMOCRATIC.

DISTRICT 5 (61% D-33% R)

Powers (Inc. D)	12,672	(32.8%)
Franklin (D)	3,733	(9.7%)
Gualco (D)	19,847	(51.4%)
Morris (D)	2,383	(6.2%)
Sloan (R)	16,341	
Hutchins (AIP)	188	

Walter Powers of Sacramento lost much of his regular base of support, including key elements of organized labor, to Gene Gualco, a popular county supervisor. Gualco's Democratic nomination is tantamount to election. SAFE DEMOCRATIC.

DISTRICT 6 (62% D-33% R)

Greene (Inc. D)	33,760	(76.0%)
Brill (D)	2,145	(4.8%)
Ordas (D)	1,354	(3.0%)
Parker (D)	2,785	(6.3%)
True (D)	2,473	(5.6%)
Westley (D)	1,932	(4.3%)
Cockrell (R)	11,022	(51.2%)
Vandegriff (R)	10,505	(48.8%)

Veteran Democrat Leroy Greene of Sacramento demolished a field of challengers in his heavily reapportioned district. He should do almost as well in November against Sacramento businessman Frank Cockrell. SAFE DEMOCRATIC.

DISTRICT 7 (56% D-39% R)

Carter (Inc. R)	13,377	(45.7%)
Cenotto (R)	4,450	(15.2%)
Lee (R)	1,961	(6.7%)
Parises (R)	6,678	(22.8%)
Reynolds (R)	1,618	(5.5%)
Rotelli (R)	1,206	(4.1%)
Garamendi (D)	20,781	(48.1%)
Mason (D)	6,601	(15.3%)
Thiel (D)	6,894	(16.0%)
Waters (D)	8,943	(20.7%)

As a result of redistricting, freshman Assemblyman Doug Carter of Stockton had a choice between the 7th and 26th districts. He may have selected the tougher of the two, despite the registration statistics. His problem is an opponent who ran one of the most vigorous primaries in the state, former University of California football player John Garamendi. DOUBTFUL.

DISTRICT 8 (57% D-38% R)

Allen (D)	3,078	(7.3%)
Dal Poggetto (D)	11,948	(28.2%)
Kelly (D)	9,492	(22.4%)
Kovatch (D)	4,436	(10.5%)
Siegler (D)	13,373	(31.6%)
Hillyard (R)	4,231	(18.6%)
Jones (R)	7,528	(33.0%)
Maybrun (R)	11,044	(48.4%)
Marlow (P&F)	87	

Republicans feel that they have a chance to capture this seat, which is being abandoned by Democrat John Dunlap for a run at the Senate. The GOP nominee, Ed Maybrun, is from Sonoma County, and the Democrat, Supervisor Alfred Siegler, is from Solano County. As a result, regionalism could be as decisive as partisanship. LEANS DEMOCRATIC.

DISTRICT 9 (52% D-39% R)

Felson (D)	10,750	(27.2%)
Moore (D)	4,179	(10.6%)
Sasselli (D)	2,545	(6.4%)
Silvestri (D)	9,267	(23.4%)
Wornum (D)	12,801	(32.4%)
Delaplane (R)	5,912	(21.1%)
Hill (R)	13,748	(49.0%)
Hood (R)	5,663	(20.2%)
Schloegel (R)	2,735	(9.7%)
Gunn (P&F)	232	

Veteran GOP Assemblyman Bill Bagley of San Rafael is giving up this seat to run for controller. Bagley is one of the more liberal Republicans in the Legislature, and Al Hill has about the same philosophy. But the Democrats might win this traditionally GOP seat because the Democratic nominee, Michael Wornum, is widely known in the district and will be able to hit hard at Hill's involvement in the Reagan administration as deputy resources secretary. Marin County is not particularly good Reagan country. DOUBTFUL.

DISTRICT 10 (54% D-41% R)

Boatwright (Inc. D)	25,806	(87.1%)
Dye (D)	3,810	(12.9%)
Nemir (R)	18,233	

Freshman Democrat Dan Boatwright of Concord is expected to win a second term without a major struggle, despite the marginal registration statistics for a Democrat. SAFE DEMOCRATIC.

DISTRICT 11 (68% D-27% D)

Knox (Inc. D)	27,184	
Dietrich (AIP)	157	

Veteran Democrat John Knox of Richmond faces his easiest election ever. SAFE DEMOCRATIC.

DISTRICT 12 (56% D-35% R)

Meade (Inc. D)	40,395	
Flegal (R)	17,229	(59.7%)
McLaren (R)	11,638	(40.3%)

Redistricting weakened Democrat Ken Meade of Berkeley a bit, but he has been improving his victory margins and will not be given a tough race by Arthur Flegal, former mayor of Piedmont. SAFE DEMOCRATIC.

DISTRICT 13 (70% D-21% R)

Miller (Inc. D)	27,424	(85.9%)
Stovall (D)	4,520	(14.1%)
Gingrich (R)	8,742	

Incumbent Democrat John J. Miller still has one of the safest seats in the state despite reapportionment. SAFE DEMOCRATIC.

DISTRICT 14 (71% D-23% R)

Lockyer (Inc. D)	26,967	

Republican attempts to qualify a nominee by write-in failed, and freshman Bill Lockyer of San Leandro has an easy ride. SAFE DEMOCRATIC.

DISTRICT 15 (60% D-33% R)

Bee (Inc. D)	26,984	(80.1%)
Webb (D)	6,691	(19.9%)
Puccio (R)	13,119	
Blattner (AIP)	128	

Speaker pro Tempore Carlos Bee of Hayward has become an institution from this southern Alameda County district, but the word is starting to spread that he's lost much of his moxie. Republicans have a good candidate in S. Guy Puccio of Castro Valley, but Bee is still too solidly entrenched. SAFE DEMOCRATIC.

DISTRICT 16 (70% D-21% R)

Foran (Inc. D)	15,350	(50.0%)
Boyle (D)	13,760	(44.8%)

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Majewsky (D)	1,607	(5.2%)
Wadsworth (R)	5,687	
Hudiburgh (P&F)	249	

Veteran Democrat John Foran of San Francisco is a politician with nine lives. Every reapportionment, he appears on the verge of losing his seat; yet he survives. This time it was the shift of John Burton to Congress that gave him an opportunity to remain in the Legislature. Foran faced a stiff primary challenge from Eugene J. Boyle, a Catholic priest, and the November election now is just a formality. SAFE DEMOCRATIC.

DISTRICT 17 (64% D-26% R)

Brown (Inc. D)	30,456	
Graf (R)	10,614	

Willie Brown may have lost the Assembly speakership, but that's probably the last election he'll lose this year. Republican Al Graf of San Francisco poses no threat. SAFE DEMOCRATIC.

DISTRICT 18 (68% D-27% R)

McCarthy (Inc. D)	32,611	
Faulkner (R)	10,794	

Fresh on the heels of winning the Assembly speakership, Leo McCarthy of San Francisco should pile up his biggest vote margin ever. SAFE DEMOCRATIC.

DISTRICT 19 (60% D-34% R)

Papan (Inc. D)	27,830	
Rodli (R)	15,034	
Stack (AIP)	104	

Freshman Louis Papan of Daly City, a winner of a well-publicized physical encounter with colleague Ken Meade, should put this opponent away with even less effort. SAFE DEMOCRATIC.

DISTRICT 20 (49% D-44% R)

Arnett (Inc. R)	27,452	
Berlin (D)	23,514	

This is solid Republican territory, and incumbent Dixon Arnett of Redwood City should repeat. SAFE REPUBLICAN.

DISTRICT 21 (55% D-38% R)

Calvo (D)	21,770	
Burleson (R)	4,966	(24.2%)
Jackson (R)	10,507	(51.1%)
Smith (R)	5,078	(24.7%)

In theory, this is a wide-open district created through redistricting. But even Republican leaders concede that the presence of Victor Calvo, a Santa Clara County supervisor, all but eliminates GOP aspirations to take the seat. SAFE DEMOCRATIC.

DISTRICT 22 (46% D-47% R)

Hayden (Inc. R)	30,818	
Overhouse (D)	21,444	

Even a strong effort by women's organizations will not be enough to push Madge Overhouse of Los Gatos past the popular incumbent, Richard Hayden of Sunnyvale. SAFE REPUBLICAN.

DISTRICT 23 (61% D-31% R)

Vasconcellos (Inc. D)	22,878	
Prader (R)	11,420	
Fine (AIP)	78	

Democrat John Vasconcellos, a GOP target two years ago, can breathe easier this time. SAFE DEMOCRATIC.

DISTRICT 24 (56% D-37% R)

Ashlock (D)	1,947	(6.2%)
Baxter (D)	1,919	(6.1%)
Deal (D)	4,984	(15.8%)
Egeland (D)	6,360	(20.1%)
Martinez (D)	5,650	(17.9%)
Ono (D)	5,006	(15.8%)
Perrotta (D)	1,704	(5.4%)
Wallace (D)	4,074	(12.9%)
Fletcher (R)	7,230	(37.0%)
Sargent (R)	3,510	(17.9%)
Tweedt (R)	8,823	(45.1%)
Brady (AIP)	92	

This is another wide-open district created through reapportionment, and it gives California women their best chance to gain a legislator in Democratic nominee Leona Egeland of San Jose. The Republican candidate is Peter Tweedt, former top aide to Lieutenant Governor Ed Reinecke. Egeland will undoubtedly tie Tweedt to Reinecke, and Tweedt can counter with Egeland's connections to the Zero Population Growth organization (in an area with a large proportion of Roman Catholics). DOUBTFUL.

DISTRICT 25 (63% D-29% R)

McAlister (Inc. D)	19,092	(65.2%)
McCord (D)	10,211	(34.8%)
Pimentel (R)	7,033	(57.6%)
Thomas (R)	5,185	(42.4%)
Jaco (AIP)	139	

Republican Jack Pimentel of Fremont would have to get a tremendous vote in the Alameda County portion of the district to take this seat from incumbent Alister McAlister of San Jose. But McAlister carried the Alameda County precincts in the primary and should do so again in November. SAFE DEMOCRATIC.

DISTRICT 26 (62% D-33% R)

Nelson (D)	6,801	(21.2%)
Perino (D)	14,697	(45.7%)
Wiler (D)	10,650	(33.1%)
Hull (R)	5,512	(33.0%)
Van Dyken (R)	11,169	(67.0%)

The decision of Republican Doug Carter to run elsewhere made this district ripe for picking by Carmen Perino, a San Joaquin County supervisor. Van Dyken is a perpetual candidate. SAFE DEMOCRATIC.

DISTRICT 27 (62% D-34% R)

Thurman (Inc. D)	18,814	(58.5%)
LaCoste (D)	13,346	(41.5%)
Bacciarini (R)	11,949	(82.6%)
Valentine (R)	2,516	(17.4%)

Freshman John Thurman won the whole battle by defeating his predecessor, Ernie LaCoste, in a bitter primary. SAFE DEMOCRATIC.

DISTRICT 28 (53% D-38% R)

Murphy (Inc. R)	25,221	
Fuller (D)	(won by write-in)	
Garni (AIP)	179	

The write-in campaign of Henry Fuller of Santa Cruz will force incumbent Frank Murphy Jr. to go through the motions of a general-election campaign. Murphy usually wins by huge margins, and this will probably not be an exception. Fuller's base is the student vote. SAFE REPUBLICAN.

DISTRICT 29 (53% D-41% R)

Nimmo (Inc. R)	16,521	(79.0%)
McCarley (R)	4,383	(21.0%)
Royer (D)	21,401	
Fields (P&F)	107	

This is the kind of district that could go Democratic if the Watergate tide ran strongly enough, but incumbent Robert Nimmo of Atascadero should win under any other circumstances. SAFE REPUBLICAN.

DISTRICT 30 (68% D-27% R)

Maddy (Inc. R)	12,046	
Brown (D)	11,902	(40.1%)
Villa (D)	17,804	(59.9%)
Cook (AIP)	180	

The registration statistics look ominous for Republican Ken Maddy, but he has pulled through before under adverse circumstances. He has a well-known opponent in Fresno Councilman Al Villa. DOUBTFUL.

DISTRICT 31 (59% D-37% R)

Mobley (Inc. R)	21,339	
Bell (D)	11,528	(33.3%)
Garrigus (D)	6,936	(20.1%)
George (D)	2,380	(6.9%)
McKittrick (D)	4,529	(13.1%)
Moore (D)	9,199	(26.6%)
Heely (AIP)	200	

Fresno Councilman Elvin Bell may give incumbent Ernest Mobley of Sanger his toughest race in several years. Mobley should win, unless a Democratic sweep is in the offing. LEANS REPUBLICAN.

DISTRICT 32 (58% D-37% R)

Duffy (Inc. R)	15,887	
Kennedy (D)	19,896	
Rider (AIP)	166	

Incumbent Gordon Duffy usually wins by a whopping margin despite the district's voter registration. He should do so again. SAFE REPUBLICAN.

DISTRICT 33 (58% D-37% R)

Gonzales (Inc. D)	24,030	
Thomas (R)	18,500	

Incumbent Ray Gonzales of Bakersfield will be a prime Republican target, and the GOP figures that educator Bill Thomas is an ideal opponent. Kern County is conservative country, and Gonzales may be too liberal for the territory. DOUBTFUL.

DISTRICT 34 (52% D-43% R)

Chimbole (D)	8,410	(31.8%)
Rodio (D)	6,406	(24.2%)
Smith (D)	8,176	(30.9%)
White (D)	3,425	(13.0%)
Botts (R)	5,199	(23.4%)
Hall (R)	7,086	(31.9%)
Harwood (R)	3,742	(16.8%)
Lane (R)	1,176	(5.3%)
Orchard (R)	5,034	(22.6%)
Ashworth (AIP)	237	(57.9%)
Noble (AIP)	172	(42.1%)

By the numbers, this district should go Republican. It was carved out of the desert through redistricting, and there is no track record for either candidate. Ken Hall, former deputy director of finance in the Reagan administration, has the advantage – or disadvantage – of being tied to the governor. Democrat Larry Chimbole of Palmdale didn't run as strong a primary race as expected. DOUBTFUL.

DISTRICT 35 (51% D-40% R)

Hart (D)	30,035	
Brazelton (R)	9,235	(35.1%)
Elliott (R)	3,656	(13.9%)
Terry (R)	13,451	(51.1%)

Republican Don MacGillivray of Santa Barbara is running for the state Senate, giving his 1972 opponent, Democrat Gary Hart, a good shot at this seat. Republicans feel that they have an ideal candidate in Tim Terry, a coastal commission member. DOUBTFUL.

DISTRICT 36 (54% D-40% R)

MacDonald (Inc. D)	24,586	
Heath (R)	17,422	

Democrat Ken MacDonald of Ojai, a former Ventura County supervisor, does especially well in Republican precincts. SAFE DEMOCRATIC.

DISTRICT 37 (49% D-45% R)

Cline (Inc. R)	19,467	(79.9%)
Brockman (R)	1,582	(6.5%)
Storinsky (R)	3,307	(13.6%)
Martin (D)	14,981	(65.5%)
Neuner (D)	7,888	(34.5%)

This is a solid district for Republican Robert Cline of Northridge. SAFE REPUBLICAN.

DISTRICT 38 (47% D-46% D)

Priolo (Inc. R)	19,878	(69.9%)
Leanse (R)	4,223	(14.9%)
Perritt (R)	4,326	(15.2%)
Mann (D)	17,242	(56.7%)
Smith (D)	5,057	(16.6%)
Whizin (D)	8,116	(26.7%)

Redistricting took Paul Priolo of Pacific Palisades out of danger and gave him a cinch reelection. Future primaries could be rougher for him, however. SAFE REPUBLICAN.

DISTRICT 39 (60% D-33% R)

Keysor (Inc. D)	25,315	(85.1%)
Dib (D)	4,446	(14.9%)
Elerisch (R)	6,598	(52.8%)

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Whitlock (R)	5,906	(47.2%)
Singer (P&F)	85	

Redistricting made life easy for incumbent Jim Keysor in this San Fernando Valley district. SAFE DEMOCRATIC.

DISTRICT 40 (60% D-34% R)

Altman (D)	5,067	(13.1%)
Bane (D)	13,624	(35.2%)
Bonpane (D)	6,664	(17.2%)
Holzhauer (D)	434	(1.1%)
McGrath (D)	7,170	(18.5%)
Spiszman (D)	1,816	(4.7%)
Tribulato (D)	3,964	(10.2%)
Hayes (R)	7,412	(46.3%)
Yost (R)	8,601	(53.7%)

When Democrat Bob Moretti of Van Nuys decided to run for governor, this seat went up for grabs. The best grabber turned out to be the man Moretti replaced, Tom Bane, who had given up an Assembly seat in 1964 for an unsuccessful congressional campaign. SAFE DEMOCRATIC.

DISTRICT 41 (44% D-51% R)

Russell Inc R)	16,139	(50.0%)
Antonovich (Inc. R)	16,157	(50.0%)
McQuood (D)	20,030	
Linz (AIP)	197	

Mike Antonovich of Glendale apparently edged Newt Russell of Tujunga by only a handful of votes in the primary's only head-to-head confrontation between incumbents. All is not lost for Russell; if John Harmer is elected lieutenant governor, Russell will be a natural candidate to succeed him in the state Senate. SAFE REPUBLICAN.

DISTRICT 42 (40% D-54% R)

Lanterman (Inc. R)	34,428	
McBride (D)	20,752	
Harper (AIP)	160	

Chalk up a 13th term for Republican Frank Lanterman of La Canada. SAFE REPUBLICAN.

DISTRICT 43 (58% D-36% R)

Berman (Inc. D)	43,614	(89.9%)
Kurdi (D)	4,894	(10.1%)
Fixler (R)	9,883	(42.7%)
Harwin (R)	13,272	(57.3%)

Democrat Howard Berman of Beverly Hills is becoming a major power in Los Angeles Democratic politics. SAFE DEMOCRATIC.

DISTRICT 44 (61% D-30% R)

Sieroty (Inc. D)	34,774	
Knickerbocker (R)	12,777	(73.9%)
Merritt (R)	4,523	(26.1%)

This district poses few problems for incumbent Alan Sieroty of Los Angeles. SAFE DEMOCRATIC.

DISTRICT 45 (63% D-29% R)

Adell (D)	9,207	(19.1%)
Anwiler (D)	601	(1.2%)
Harlow (D)	1,294	(2.7%)
Kranz (D)	9,249	(19.2%)
Marcus (D)	1,241	(2.6%)
Rosenthal (D)	22,581	(47.0%)
Sennes (D)	854	(1.8%)
Sommers (D)	3,060	(6.4%)
Germonprez (R)	2,671	(16.6%)
Karsa (R)	4,315	(26.9%)
Mikol (R)	9,063	(56.5%)
Streeter (AIP)	161	

The decision of Assemblyman Henry Waxman to run for Congress generated this flood of candidates. The district is strongly Democratic, and Los Angeles businessman Herschel Rosenthal, backed by the Waxman-Berman organization, emerged as the champion campaigner of the Fairfax delicatessen beat. SAFE DEMOCRATIC.

DISTRICT 46 (57% D-33% R)

Warren (Inc. D)	22,091	
Betz (R)	4,736	(40.1%)
Watts (R)	7,087	(59.9%)

Incumbent Charles Warren of Los Angeles keeps winning term after term without any commotion. SAFE DEMOCRATIC.

DISTRICT 47 (82% D-14% R)

Greene (Inc. D)	27,238	
Lewis (R)	2,947	

This is one of the most Democratic districts in the state (Watts), and Bill Greene need not campaign. SAFE DEMOCRATIC.

DISTRICT 48 (82% D-14% R)

Ralph (Inc. D)	26,649	
Neely (R)	3,552	

Leon Ralph has another Watts district. SAFE DEMOCRATIC.

A little something to ease the 'pain'

Shed not too many tears for legislators who are defeated or give up their seats voluntarily this year. Under a special reapportionment provision in the legislators' retirement law, they can start drawing pensions immediately instead of waiting until they are 60. That is because this is a redistricting year, and all of them have had their constituencies changed at least slightly.

For former Assembly Speaker Bob Moretti, this means $8,292 a year for the rest of his life (unless he wins state office again). Moretti's redistricting "bonus" will amount to $182,000 in payments between next year and his 60th birthday in 1996, when he would normally become eligible for a pension.

DISTRICT 49 (72% D-22% R)

Dixon (Inc. D)	21,135	
Riley (R)	9,749	
Keller (P&F)	72	

Freshman Julian Dixon of Los Angeles should win easily. SAFE DEMOCRATIC.

DISTRICT 50 (68% D-27% R)

Dailey (D)	3,280	(9.8%)
Dortch (D)	1,007	(3.0%)
Etheridge (D)	4,153	(12.5%)
Floyd (D)	6,536	(19.6%)
Laidley (D)	2,246	(6.7%)
Niles (D)	3,780	(11.3%)
Strode (D)	1,652	(5.0%)
Talley (D)	861	(2.6%)
Tucker (D)	9,790	(29.4%)
Bloodgood (R)	3,689	(33.8%)
Holoman (R)	7,223	(66.2%)

Democrat Frank Holoman of Inglewood decided to run for an open Senate seat (and lost). His Republican brother, John, is the Republican nominee to succeed him, but this is a Democratic stronghold, and the winner will likely be Inglewood Councilman Curtis Tucker. SAFE DEMOCRATIC.

DISTRICT 51 (44% D-48% R)

Beverly (Inc. R)	28,550	
Brennan (D)	15,098	(63.2%)
Moore (D)	8,784	(36.8%)

Even a strong push from women's organizations on behalf of Democrat Betty Brennan won't dislodge GOP floor leader Bob Beverly of Manhattan Beach. SAFE REPUBLICAN.

DISTRICT 52 (60% D-33% R)

Thomas (Inc. D)	26,003	
Boettcher (R)	11,747	

Democrat Vincent Thomas of San Pedro is the dean of the Assembly, and even has a toll bridge in his district named after him. He should win an 18th term. SAFE DEMOCRATIC.

DISTRICT 53 (65% D-27% R)

Bannai (Inc. R)	8,660	
Ciampa (D)	2,849	(10.2%)
Floyd (D)	3,313	(11.9%)
Mayesh (D)	9,326	(33.5%)
Ohren (D)	2,651	(9.5%)
Sogge (D)	5,654	(20.3%)
Wilson (D)	4,057	(14.6%)

Freshman Republican Paul Bannai of Gardena is in trouble. His district is heavily Democratic, and his opponent, Jack Mayesh, made a strong showing in the primary with the backing of the Waxman-Berman organization. DOUBTFUL.

DISTRICT 54 (74% D-20% R)

Buckner (D)	3,187	(11.4%)
English (D)	7,116	(25.5%)
Lewis (D)	4,710	(16.9%)
Mallonee (D)	662	(2.4%)
Morris (D)	2,480	(8.9%)
Powell (D)	1,142	(4.1%)
Vicencia (D)	8,573	(30.8%)
Clark (R)	5,364	

The Democratic primary is the whole ball game. Recognizing that, incumbent Republican Bob McLennan chose to run in an adjacent district. The winner will be Frank Vicencia of Bellflower, a legislative advocate for a variety of interests. SAFE DEMOCRATIC.

DISTRICT 55 (63% D-26% R)

Alatorre (Inc. D)	21,317	
Feliz (R)	6,852	

Democrat Richard Alatorre of Los Angeles should win easily. SAFE DEMOCRATIC.

DISTRICT 56 (75% D-16% R)

Chavez (D)	1,075	(5.3%)
Rodriguez (D)	1,310	(6.4%)
Soto (D)	2,965	(14.6%)
Torres (D)	11,655	(57.2%)
Valencia (D)	3,371	(16.5%)

This is a new Chicano district in Los Angeles that only a Democrat can carry. Art Torres, a legislative aide, won the primary – and thus the seat – convincingly. SAFE DEMOCRATIC.

DISTRICT 57 (59% D-34% R)

Cullen (Inc. D)	20,233	
Sharp (R)	6,334	(43.3%)
Waterbury (R)	8,293	(56.7%)

This should be the easiest election ever for Democrat Mike Cullen of Long Beach. SAFE DEMOCRATIC.

DISTRICT 58 (54% D-39% R)

Chel (D)	15,737	(44.5%)
Gregory (D)	10,723	(30.3%)
Kell (D)	6,374	(18.0%)
Navejas (D)	2,549	(7.2%)
Curry (R)	2,240	(9.2%)
Gray (R)	8,818	(36.4%)
Offill (R)	13,186	(54.4%)
Marshall (AIP)	149	

This is a seat that has traditionally gone Republican. But it became available to the Democrats when GOP freshman Bill Bond of Long Beach chose to run for Congress. Fred Chel, the Democratic nominee, has run before in the same area, and his opponent, Sumner Offill, has worked as assistant to Senator George Deukmejian. DOUBTFUL.

DISTRICT 59 (64% D-29% R)

Fenton (Inc. D)	20,801	(56.8%)
Baca (D)	9,695	(26.5%)
Lewis (D)	6,149	(16.8%)
Orozco (R)	8,006	

Democrat Jack Fenton always seems to escape both primary- and general-election threats from Chicano opponents. He should follow suit in November. SAFE DEMOCRATIC.

DISTRICT 60 (65% D-21% R)

Montoya (Inc. D)	15,560	(60.1%)
Barbarita (D)	1,310	(5.1%)
Crippen (D)	9,026	(34.9%)
McPherson (R)	8,006	

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Freshman Joe Montoya of La Puente escaped a mild primary threat and now should have clear sailing in November. SAFE DEMOCRATIC.

DISTRICT 61 (41% D-53% R)

Collier (Inc. R)	20,318	(58.1%)
Decker (R)	14,664	(41.9%)
DiChiaro (D)	10,389	(46.8%)
Ortell (D)	11,795	(53.2%)
Scanlon (AIP)	190	

Veteran Bud Collier of Monrovia faced his toughest challenge since 1958 and managed to hold his seat. The November election is not in doubt. SAFE REPUBLICAN.

DISTRICT 62 (48% D-46% R)

Lancaster (Inc. R)	25,361	
Jordan (D)	17,884	(75.8%)
McManus (D)	5,696	(24.2%)

Bill Lancaster of Covina is solidly entrenched. SAFE REPUBLICAN.

DISTRICT 63 (58% D-35% R)

Gonsalves (Inc. D)	25,007	
McLennan (Inc. R)	15,258	
Brezeale (AIP)	216	

This is one of two races pitting incumbents against one another in November. The veteran Joe Gonsalves of Cerritos is the favorite, but freshman Robert McLennan of Downey will have plenty of financial support. McLennan is the only physician in the Legislature, and medical interests don't want to lose him. LEANS DEMOCRATIC.

DISTRICT 64 (46% D-48% R)

Bauer (D)	14,573	(61.7%)
Hoffen (D)	9,028	(38.3%)
Campbell (R)	14,449	(53.9%)
Lawson (R)	1,770	(6.6%)
Miller (R)	9,076	(33.8%)
Underwood (R)	1,528	(5.7%)

Reapportionment could hardly have been kinder to former Assemblyman Bill Campbell of Hacienda Heights, who lost his seat two years ago in an unsuccessful run for Los Angeles County supervisor. This district was made to order for him, as the primary results indicate. SAFE REPUBLICAN.

DISTRICT 65 (53% D-42% R)

Axelrod (D)	8,572	(41.5%)
McVittie (D)	12,100	(58.5%)
Bader (R)	5,206	(26.5%)
Brownell (R)	3,213	(16.3%)
Dolan (R)	3,916	(19.9%)
Stephens (R)	1,035	(5.3%)
Vander Poel (R)	6,309	(32.1%)
Vogel (AIP)	125	

This is an open district that should normally go Republican. But the Democratic nominee, City Attorney Bill McVittie of Upland, cannot be counted out against GOP candidate Pete Vander Poel, a member of the Chino Board of Education. DOUBTFUL.

DISTRICT 66 (64% D-30% R)

Quimby (Inc. D)	9,170	(30.9%)
Goggin (D)	11,104	(37.4%)
Gregory (D)	3,047	(10.3%)
Valles (D)	6,396	(21.5%)
Wolfinbarger (R)	10,838	

It had become obvious that incumbent John Quimby of San Bernardino had worn out his welcome with the voters. The only question was whether he would win the renomination because he had so many opponents. But Terry Goggin, assistant to Congressman George Brown, put together a strong campaign and will likely succeed Quimby. SAFE DEMOCRATIC.

DISTRICT 67 (47% D-48% R)

Lewis (Inc. R)	26,503	
Davis (D)	12,743	(49.0%)
Johnson (D)	13,266	(51.0%)
Wahl (AIP)	278	

Republican Jerry Lewis should win another term without a big struggle. SAFE REPUBLICAN.

DISTRICT 68 (55% D-38% R)

Ingalls (Inc. D)	24,736	
Shepherd (R)	17,614	

Republican strategists feel that freshman Walt Ingalls of Riverside can be defeated, but not this year. SAFE DEMOCRATIC.

DISTRICT 69 (45% D-48% R)

Briggs (Inc. R)	19,042	(69.6%)
Schmidt (R)	8,330	(30.4%)
Mandel (D)	20,734	
Solomon (AIP)	177	

Republican John Briggs of Fullerton has no problem. SAFE REPUBLICAN.

DISTRICT 70 (38% D-54% R)

Wakefield (Inc. R)	8,175	(22.9%)
Beam (R)	11,377	(31.9%)
Ehrle (R)	1,344	(3.8%)
Lynch (R)	1,520	(4.3%)
Nestande (R)	13,286	(37.2%)
Endreson (D)	11,217	(32.5%)
Zavala (D)	10,136	(47.5%)
De Gaston (AIP)	324	

This was one of the most interesting primaries in the state. The district had no incumbent, and Floyd Wakefield moved into the area from Los Angeles after being redistricted out of his own territory. But he couldn't shake the carpetbagger tag despite being named as incumbent on the ballot and despite his conservative legislative record. The winner, Bruce Nestande, has solid Republican credentials and had run in Orange County twice before. SAFE REPUBLICAN.

DISTRICT 71 (53% D-40% R)

Arbiso (D)	3,529	(12.7%)
Carpenter (D)	8,806	(31.8%)
Davis (D)	3,110	(11.2%)
Erskine (D)	2,146	(7.7%)
Lacayo (D)	8,430	(30.4%)
Swanson (D)	1,693	(6.1%)
Bark (R)	11,052	(65.4%)
Thomas (R)	5,848	(34.6%)
Swenson (AIP)	199	

Democrat Ken Cory put this seat on the open market by running for controller. The Democratic nominee, Paul Carpenter of Cypress, may be as conservative as the Republican candidate, Bob Bark of Anaheim. Without the Watergate factor, Bark would probably be the favorite. DOUBTFUL.

DISTRICT 72 (49% D-42% R)

Chamblee (D)	1,074	(4.8%)
Hartman (D)	4,500	(20.0%)
Robinson (D)	8,260	(36.6%)
Yamamoto (D)	5,631	(25.0%)
Young (D)	3,073	(13.6%)
Ballard (R)	2,734	(13.7%)
Hill (R)	4,830	(24.2%)
McKeever (R)	10,180	(51.0%)
Ratterree (R)	2,221	(11.1%)
Adams (AIP)	229	

In professional football circles, linebacker Marlin McKeever is known as "The Senator" because of his tendency to orate on political and other subjects with little urging. In December, he will have his chance to be a real-life legislator, barring a Watergate flood that sweeps Democrat Richard Robinson of Santa Ana into office. McKeever has worked as a lobbyist in Sacramento (as an associate of Frank Vicencia, who is the likely winner in the 54th District). LEANS REPUBLICAN.

DISTRICT 73 (43% D-50% R)

Burke (Inc. R)	30,337	
Mangers (D)	14,130	(55.8%)
Van Petten (D)	11,198	(44.2%)

Incumbent Robert Burke of Huntington Beach is solidly entrenched. SAFE REPUBLICAN.

DISTRICT 74 (32% D-60% R)

Badham (Inc. R)	43,799	
Lewis (D)	18,606	

Republican Bob Badham has the best GOP district in the state. SAFE REPUBLICAN.

DISTRICT 75 (48% D-46% R)

Seeley (Inc. R)	23,249	(81.0%)
Schultz (R)	5,440	(19.0%)
Suitt (D)	(won by write-in)	

Incumbent Ray Seeley of Blythe had a soft touch until Tom Suitt of Palm Desert mounted a write-in campaign for the Democratic nomination. Seeley should beat him in November, however. SAFE REPUBLICAN.

DISTRICT 76 (39% D-52% R)

Craven (Inc. R)	41,511	
Smith (D)	24,572	

This is a cinch for incumbent Bill Craven of Oceanside. SAFE REPUBLICAN.

DISTRICT 77 (47% D-45% R)

Wilson (Inc. D)	26,806	
Bollman (R)	11,949	(43.0%)
Ortman (R)	10,193	(36.7%)
Senter (R)	5,644	(20.3%)
Smith (AIP)	216	

Republicans intend to mount an all-out attack on Democrat Bob Wilson of La Mesa, who holds a traditionally Republican seat. But San Diego attorney Mike Bollman is up against one of the state's best campaigners. DOUBTFUL.

DISTRICT 78 (50% D-41% R)

Kapiloff (Inc. D)	23,405	
Clark (R)	4,019	(16.8%)
Huntington (R)	9,518	(39.7%)
Smith (R)	10,442	(43.5%)
Hicks (AIP)	150	

Freshman Lawrence Kapiloff of San Diego will be another prime GOP target. But he should be helped by Watergate and the upset of the GOP establishment candidate, Ned Huntington, by San Diego architect Rod Smith. DOUBTFUL.

DISTRICT 79 (59% D-32% R)

Chacon (Inc. D)	17,215	(78.0%)
Puente (D)	4,844	(22.0%)
Albritten (R)	10,699	
Emery (AIP)	145	

This is the only rock-solid Democratic seat in San Diego County, and incumbent Pete Chacon should repeat handily. SAFE DEMOCRATIC.

DISTRICT 80 (53% D-37% R)

Deddeh (Inc. D)	21,344	
Green (R)	5,131	(33.8%)
Ross (R)	5,187	(34.2%)
Winchester (R)	4,850	(32.0%)
Bomher (AIP)	161	

Democrat Waddie P. Deddeh of Chula Vista invariably runs far ahead of the Democratic registration, and this should be no exception. SAFE DEMOCRATIC.

OUTLOOK: The Democrats have a chance to improve their advantage in the Assembly, although they would be satisfied to retain the current 49-31 alignment. Republicans can take aim at only a couple of highly vulnerable Democratic incumbents and must concentrate on warding off Democratic attacks on GOP members.

THE SUMMARY: 40 Safe Democratic, 4 Leaning Democratic, 20 Safe Republican, 3 Leaning Republican, 13 Doubtful.

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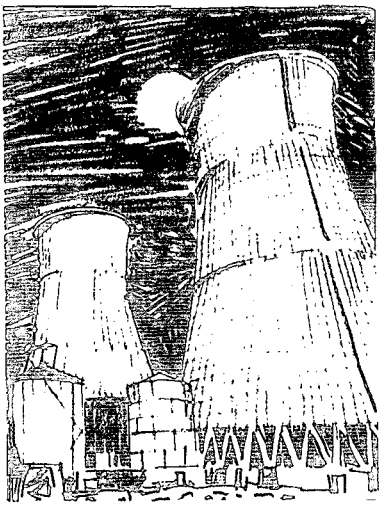
CONCESSION OR COMPROMISE?

How the new energy act should work



From the heated political rhetoric generated by California's version of the energy crisis in the last year, some light did emerge. It came in the form of the Warren-Alquist State Energy Resources Conservation and Development Act, which Governor Reagan signed into law May 21st. The measure, which creates a five-member appointive commission to process sites for powerplants and engage in long-term energy planning, largely resembles the measure that Reagan vetoed as Senate Bill 283 last October. But a Republican administration grown pragmatic in seven years' jousting with a Democratic Legislature now views the act as "an excellent compromise". Even the attitude of utility companies, which will have to live with the new law, has brightened to one of wait and see.

The Governor's change of heart may have come less from changes in this year's legislation, AB 1575, than from the realities of the fuel shortage that afflicted California's informal life-style last winter and elevated energy legislation to top priority on the public agenda. Then, too, came the realization that time is running out on this administration — that another veto would only delay the legislative will. The search for the best of worlds yielded, in short, to one for the best of all possible worlds. To get what the Governor wanted — simplified procedures for approving powerplant sites to increase the state's lagging electric-generating capacity — he had to take what he didn't want: state responsibility for determining what those energy needs are.

Somehow, the administration's concern for providing for adequate power generation had to be harmonized with the Legislature's concern for conserving energy and other natural resources. The stage was set for compromise.

Start in 1975

The naming of the five full-time commissioners will be one of the first acts awaiting either Republican Houston Flournoy or Democrat Edmund G. Brown Jr. on taking over as Governor in January. The energy act requires that the State Energy Resources and Development Commission be named by the governor within 30 days of the date it takes effect, January 7th. The governor is also to set the commission's first meeting within 30 days of constituting the body. But from that point, the commission is authorized to carry on a broad range of functions in the energy field that had utility company lobbyists and political conservatives cringing.

To carry out these broad functions, the commissioners are empowered to set up their headquarters in Sacramento and to open whatever branch offices they deem necessary. They can hire an executive director and counsel, and "employ and prescribe the duties of other staff members as necessary to carry out the provisions of this division." Such latitude led a utility-company official who worked closely on the bill to comment that, in terms of manpower and clout, "we think the commission's going to be one of the big ones in the state." But he added: "Until it is formed and staffed up and sets forth its rules and regulations and we can see how they're going to operate, it's just hard to say."

Lively objections

It wasn't hard for some to say. Wes Bruer, former state geologist appointed by Reagan to head an energy planning council for the administration, resigned in protest over the Governor's signing of 1575 against his recommendation. "This bill," Bruer warned in urging a veto, "directly intrudes the state into economic planning and at least partial control of the energy industry . . . and puts the state into the business of conducting research and development on a large scale." Even Lieutenant Governor Ed Reinecke, attempting to reassert his conservative-wing credentials in a flagging bid for the Republican gubernatorial nomination, vainly appealed to the man who named him to state office, "Mr. Conservative", to veto the measure. And Republican Assemblyman Robert Burke complained to his Orange County constituents that AB 1575 is "a statist-socialist measure that the Governor not only should not have approved but one which would appear to be contrary to all that he has stood for as governor these last 7½ years."

The bill's author, Assemblyman Charles Warren, while in no way playing down its far-reaching implications, disputes the assertion that the act constitutes socialism. "For the first time," Warren said, "we are enabling government to make really political and economic decisions of a planned nature to influence events in the future. It's not socialism; it's working with private enterprise, but putting in a public purpose."

According to Reagan's director of program and policy, Donald Livingston, the Governor's signature the second time around should not have come as much of a surprise. Reagan had assigned energy top priority in his state-of-the-state message last January, Livingston recalled, and had expressed a willingness to work with the Legislature. Warren had predicted that "the administration will work with us," adding: "If not, the federal authorities will solve the problem for us and that would be a great mistake."

Warren described the result of those labors, which he and Senator Alfred Alquist guided through the Legislature, as a measure "really designed to deal with longterm supply and demand curves." But the act also contains provisions for drawing up contingency plans to deal with unanticipated energy shortages. The crux of the act comes under four headings: planning and fore-

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casting, energy resources conservation, power-facility and site certification, and research and development.

Planning and forecasting. Electric utility companies must report to the commission within a year their forecasts or assessments of power loads and resources in their service areas, following a uniform procedure to be devised by the commission's staff. These forecasts will be analyzed in terms of the commission's determination of environmental, economic and investment considerations, and revised into a report to the governor and the Legislature that is "to provide the basis for state policy and actions."

Energy resources conservation. The commission's staff is to explore alternate energy sources, including fossil fuels and solar, nuclear and geothermal energy resources. It will also prescribe minimum standards of operating efficiency for "all appliances whose use, as determined by the commission, requires a significant amount of energy on a statewide basis." (Since California consumers constitute a lucrative market, these specifications could become the nationwide standard for household appliances.) The commission must also, within 18 months, set out new energy-conservation standards for "lighting, insulation, climate-control systems" and other building requirements "which increase the efficient use of energy."

Power-facility and site certification. "After the effective date . . .," the act states, "no construction of any facility or modification of any existing facility shall be commenced without first obtaining certification for any such site and related facility by the commission."

One major change suggested by the administration and applauded now by both sides will simplify planning by utilities seeking to construct powerplants in units at a given site over a period of time. Once a given site is approved for a so-called nuclear park of reactors up to a specified total capacity, additional units can be added up to that limit without the utility's having to obtain further certification. (These later units would have to conform to the most recent standards, however.) The commission must certify enough sites to "provide a supply of electric power sufficient to accomodate the demand projected in the most recent forecast of statewide and service area electric power demands . . . ."

In cases where sites pose problems for other jurisdictions — along the coast, for example, where the voters have installed regional coastal commissions — the energy commission's staff will handle the necessary coordination. If PUC concurrence is required, the energy commission will seek it. This is the so-called one-stop certification procedure that Malcolm MacKillop, assistant general counsel for Pacific Gas & Electric, hopes will "have the potential for expediting matters by bringing everything into one place."

Once facilities are on line, their operation will be monitored by the commission to ensure compliance with air, water and public-health standards.

Research and development. "The commission shall develop and coordinate a program of research and development in energy supply, consumption, and conservation and the technology of siting facilities, and shall give priority to those forms of research and development which are of particular importance to the state . . . ," the act specifies. It will also carry out "technical assessment studies" to influence federal research and development priorities in the energy field.

To pay for the commission's R & D program a surcharge of one-tenth of a mill ($.0001) per kilowatt hour will be added to the cost of electric power sold in California. This is estimated to cost the average householder about 50 cents a month and yield about $16 million. This is half the amount contained in the vetoed bill — to meet a Reagan objection — but AB 1575 includes as a *quid pro quo* a schedule whereby the Legislature can increase the levy if necessary.

Best bargain possible

The administration considers that it struck the best bargain possible given the pressures of time, Reagan's lame-duck status and the political configuration of the Legislature. "The compromise [we made to get a powerplant-siting mechanism]," Livingston said, "was to give the commission some ability to do some conservation." Nonetheless, both Assemblyman Warren and Senator Alquist also express satisfaction with the final legislation. But the question of creating what was somewhat grandly (or frighteningly, depending on one's persuasion) called a "superagency" in the energy field was never a goal, Warren maintained. The commission, he noted, is another of the state's independent bodies, in this case lodged in a state agency and with members whose salaries are the same as those of public utility commissioners.

"We spent a lot of effort on nondramatic things, particularly on how the commission would fit into the existing government structure, Livingston said. "That was important to us." And for their part, the authors consider that "all the essentials of 283 are still there — nothing was violated in the blending." If so, it would be, as Livingston said, "an excellent compromise".

The naming of the commissioners

The State Energy Resources Conservation and Development Commission will become a part of the Resources Agency, whose head, along with president of the state Public Utilities Commission, is an ex-officio, non-voting member. AB 1575 limits the scope of the governor's five appointments by specifying criteria for each:

- One appointee must have "a background in the field of engineering or physical science" and "knowledge of energy supply or conversion systems."
- A second is to be a member of the State Bar with administrative law experience.
- A third must have "background and experience in the field of environmental protection or the study of ecosystems.
- A fourth is to be an economist experienced in natural-resource management.
- The fifth can be drawn from the public at large.

Initially, the commissioners will draw lots to stagger what eventually will be standard five-year terms. One of the original commissioners will retire each year until all have been replaced. Their positions are pegged at parity with those of PUC commissioners, whose president is paid $37,200 per year and the members $35,400.

The governor designates the commission's chairman and vice-chairman for two-year terms.

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Should fish-and-game fund pay for conserving species?

Should California's wildlife resources be managed for the benefit of all the people or primarily for the hunters and fishermen who, through their annual license fees, support the state Department of Fish and Game? That is the question underlying a simmering controversy pitting conservationists and sportsmen. If the Sierra Club gets its way, for example, the department's main goal would be to preserve the state's rare and endangered species. Such an emphasis would break with tradition, however. Legislation to rename the agency the Department of Wildlife last year was dropped by its author, Assemblyman Daniel Boatwright, in the face of substantial opposition from sportsmen based on what Boatwright calls the "historical reason" that the department exists to cater to hunters and fishermen.

So far, the extent of the department's response to the conservationists' challenge has been formation of a wildlife-investigating unit to compile an inventory of rare and endangered species and to study their habitat. Under legislative pressure, Director G. Ray Arnett allocated $1 million of the department's $22 million budget — all obtained from sportsmen'e fees — for such non-game operations last year. But that has not resolved the controversy.

Tapping general funds

The California Constitution requires that all funds collected from the sale of hunting and fishing licenses "shall be used and expended exclusively for the protection, conservation, propagation, and preservation of fish, game, mollusks, or crustaceans, and for enforcement and administration of laws relating thereto." Some 2.3 million fishing licenses and 650,000 hunting licenses were sold last year, and the revenue they produced was supplemented by federal grants from excise taxes on guns and ammunition to make up the rest of the department's budget.

Though Boatwright decided not to push the renaming proposal, a companion measure, AB 2441, would establish a Native Species Preservation Committee to develop programs to prevent rare species from becoming extinct. Chances look good for enactment this year of AB 2441 or a similar plan by Senator Dennis Carpenter. Sportsmen have expressed no objection to such non-game operations within the department — as long as conservationists pay the bill. Boatwright suggested that the committee he proposes be supported in part by contributions from environmentalists.

The Legislature passed AB 943 (Thomas) appropriating $1 million to expand non-game species and wildlife programs within the Department of Fish and Game. But the department had mixed feelings about a general-fund grant, and Governor Reagan vetoed the measure, seeing "no compelling reason" for tapping general revenues for such purposes. "If the fee and tax schedules providing revenue [to the Fish and Game Preservation Fund] are inadequate, they should be changed, but not at the expense of the general taxpayer," he said. Legislative Analyst A. Alan Post also objected to such funding, even for non-game activities, but argued from an opposite viewpoint. "The sportsmen of the state are already harvesting fish and wildlife which by law belong to the public without compensation to the public," he commented.

Boatwright, who considers himself an enthusiastic hunter, says he is working with the Sierra Club on his proposals because "every sensible hunter realizes that there must be sound wildlife management of all species to assure that there will be enough animals for our grandchildren to hunt."

In the Legislature, most of the recent wildlife debates have centered around three species: the sea otter, the Tule elk, and the mountain lion.

Sea otter. Decades ago, the otter was almost eliminated by hunters seeking their pelts. The otter has since made a comeback, and there have even been attempts by abalone fishermen to legalize otter hunting again on the ground that the otter has been damaging the state's abalone resource.

Tule elk. California's Tule elk herds suffered from a combination of problems: Construction, agriculture, and kills for meat and fun diminished the dwarf elk,

Bill Collins helped research this article as a California Journal *intern.*

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The rare, the endangered, and the fully protected

Fish and wildlife threatened with extinction in California can be officially categorized as endangered, rare, or fully protected. Prior to 1970 the state Fish and Game Commission had only one means of protecting a species — requesting the Legislature to declare a fish, bird or animal fully protected. But the Species Preservation and Endangered Species Act of 1970, established a procedure for declaring species endangered or rare and prohibiting importation, killing, possession, or sale of these species.

Endangered, rare, and fully protected species in California, as classified by the department, are listed below. A rare species is usually scarce, even though it may not be threatened. An endangered species can be plentiful but may be under attack. A fully protected species, such as the ring-tailed cat, may be neither rare nor endangered. Most rare and endangered species are also fully protected.

Endangered. California brown pelican; California condor; Southern bald eagle; American peregrine falcon; California Yuma and light-footed clapper rail; California least tern; Morro Bay kangaroo rat; Salt marsh harvest mouse; Santa Cruz long-toed salamander; Desert slender salamander; Blunt-nosed leopard lizard; San Francisco garter snake; Colorado squawfish; Mohave chub; Owens and Tecopa pupfish; Unarmored three-spine stickleback.

Rare. California black rail; California yellow-billed cuckoo; Mohave ground squirrel; Stephens and Fresno kangaroo rat; Island fox; San Joaquin kit fox; Wolverine; Guadalupe fur seal; California and peninsular bighorn sheep; Siskiyou, Kern Canyon, Tehachapi, limestone and Shasta salamander; Black toad; Southern rubber boa; Alameda striped racer; Giant garter snake; Lost River, shortnose and humpback sucker; Bonytail fish.

Fully protected. Trumpeter swan; White-tailed kite; Greater sandhill crane; Pacific right whale; Ring-tailed cat; Southern sea otter; Northern elephant seal; all native bighorn sheep; Thicktail chub; Modoc sucker; Rough sculpin.

Extinct California species. Columbian sharp-tailed grouse; Armagosa meadow vole; Plains wolf; Big-eared kit fox; California grizzly bear; Mexican jaguar.

which once roamed the Central Valley in great numbers; periodic state-sponsored shootings of a remaining band of elk in Owens Valley brought enactment in 1971 of a law prohibiting issuance of elk-hunt permits until the statewide elk population reached 2,000.

Mountain lion. The mountain lion, or cougar, unlike the otter and the elk, travels alone rather than in packs. This makes a head-count difficult, and consequently no one knows how many cougars live in California. In mid-1971, the Department of Fish and Game ruled that no more than 50 mountain lions could be killed in any year — a figure taken arbitrarily from 1970. Assemblyman John Dunlap, asserting that the cougar is in danger of extinction in California, successfully challenged the department. "Since 1900," Dunlap said, "six animals have been known to become extinct in our state. Twenty-four native life forms are now known to be facing extinction. The California mountain lion falls into the category of the unknown." Concluded Dunlap: "When in doubt, conserve." Though cougar-hunting was then banned pending a census, Dunlap and others have challenged the department's subsequent population estimates, contending that some lions may have been counted more than once.

Director Arnett heads a department with 1,300 employees, fewer than 300 of whom are wardens. Many of these must patrol areas so large that apprehension of violators is difficult, and sportsmen and conservationists generally agree that the department needs more wardens.

High marks

Congressman Robert J. Lagomarsino of Ventura County, former chairman of the state Senate Natural Resources and Wildlife Committee, defends the department and its policy-making board, the Fish and Game Commission. But he sees some merit in conservationists' recently expressed concern over whether mountain sheep, cougars, burros, elk and antlerless deer should be hunted. He explained:

> As each of these debates ground through the legislative process, the public was told repeatedly that the department was incapable of scientific objectivity because of the pressure brought upon it by its bill-paying sportsman clients. To some, the department's stoic defense of hunting as a legitimate wildlife management tool seemed to give credence to the anti-hunting claims.

Lagomarsino gives the department very high marks, however, despite curtailment of desired programs because of funding deficiencies:

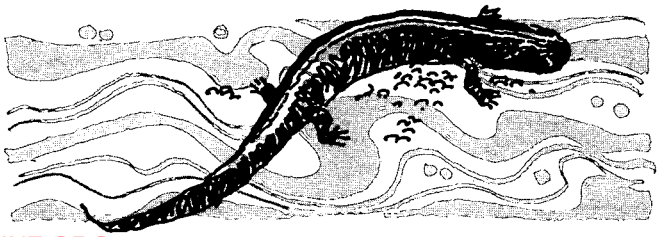
> The department has husbanded its funds very well, has a respected scientific community. It simply has not been able to develop all the facts necessary to be a know-all, be-all agency in the tradition of the Division of Highways, for example.

Dr. A. Starker Leopold, a University of California wildlife expert, claims that the "extremist fringe of the protection movement has found it expedient to cast the hunter in the role of the villain . . . . Forgotten and unacknowledged are past accomplishments in wildlife restoration achieved by state and federal wildlife agencies with funds derived from hunters." Leopold maintains that the real enemy of wildlife is not the hunter but deterioration of the wildlife habitat. He argues that both the hunter and the preservationist have the same goal of wildlife conservation and yet find themselves polarized in enemy camps.

Another view

To John Nejedly, chairman of the Senate Natural Resources and Wildlife Committee, the special financial structure of the department fosters "an especially strong clientele relationship" that has encouraged sportsmen to view it as their agency. He concedes that the funding issue makes it difficult for the department to maintain a balanced program that will satisfy both the proponents and opponents of sport-hunting, but stresses:

> Our fish and wildlife resources belong to all the people. It is the responsibility of the department to



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insure the protection, conservation, propagation, or preservation of these resources for the benefit of all the people.

The department's image has suffered, according to Nejedly, because it has been unable to speak with certainty about the status of specific species, such as the mountain lion. He also criticized its support of the proposed peripheral canal around the Sacramento-San Joaquin River Delta (*CJ*, January 1973), claiming that the agency's arguments for the project are based on statements of probability and not fact.

Conflict remains

Department supporters realize that the Sierra Club and other groups it identifies as anti-hunter will continue to mount a strong attack to reshape the agency. Similarly, Boatwright and his colleagues have discovered that the sportsmen's lobby is still powerful enough to win many legislative battles. The conflict will remain alive until hunters realize that they must accommodate a growing public interest in preservation of non-game species, and the environmentalists find some acceptable way to come up with the money to fund these preservation activities without cutting into the private fiscal reserve of the Californian who buys a fishing or hunting license each year.

The Journal as research tool

Back issues of the California Journal *can provide useful information on virtually every aspect of California politics and government. With only two exceptions, back issues are available at $1.50 a copy, $15 for each complete year (with index) or $50 for 1970-1973 (four complete years with indexes). Here are some examples of subjects that have been explored in recent issues:*

May 1974 — The image-makers: A guide to California's most influential campaign-management firms.
April 1974 — The State Supreme Court: How the justices sit on the political spectrum and how the newest justice, William Clark, is working out.
The protest over California's current utility-rate structure.
The rise and fall of "Mr. San Diego", C. Arnholt Smith.
March 1974 — Women in politics: The problems women encounter in seeking public office and obtaining state appointive positions.
The constant quest for the state's second most powerful position, the Assembly speakership.
February 1974 — (Out of print.)
January 1974 — Governing Los Angeles: Mayor Bradley's quest for leadership; why everyone wants to be supervisor.
Surprise conclusions of Governor Reagan's local-government task force.
December 1973 — The unfinished business of constitutional revision.
Who's who in party loyalty rankings?
November 1973 — (Out of print.)
October 1973 — What Los Angeles can learn from BART.
Why the state hasn't cleared the air.
September 1973 — The farm-labor battle: Is Chavez on the brink of defeat?
Decline and fall of the freeway empire.
August 1973 — Guide to no-fault auto insurance legislation.
July 1973 — Californians say "no" to growth.
The waning power of agriculture.
June 1973 — Special report on the energy problem.
Overhauling state civil service.

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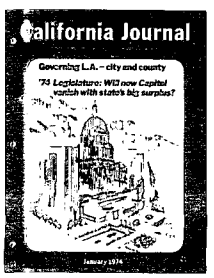

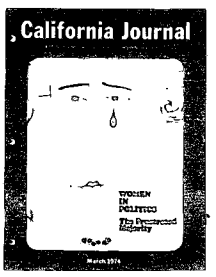

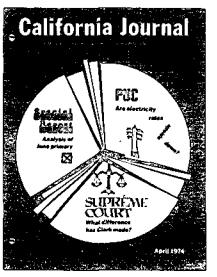

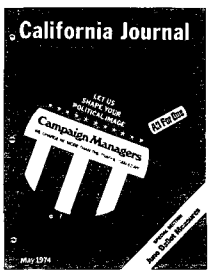

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California *NEWSBRIEFS*

Death of federal land-use bill shifts focus to state

A federal proposal to force states to develop land-use planning mechanisms died in the House of Representatives last month, and its death will likely focus attention on legislation now in the Assembly Ways and Means Committee that would create a California land-use commission. The defeat of Representative Morris Udall's HR 10294 cheered Governor Ronald Reagan, who had urged the California congressional delegation and a number of other congressmen to oppose the measure. "There is no question this process can best be accomplished by allowing the states and localities to determine and solve their own land-use and environmental problems," Reagan said.

The Udall measure proposed, among other things, withholding federal funds from states not meeting national planning standards. In California, Assemblyman Paul Priolo, chairman of the Assembly Planning and Land-Use Committee, has proposed such a statewide planning process in Assembly Bill 2978.

The Priolo measure was circulated last year before its formal introduction in an effort to build a legislative consensus behind it. AB 2978 would create a new state agency with both planning and regulatory powers over use of land; this authority would be invested in a five-member commission that would assume some of the functions of the governor's Office of Planning and Research, the state Real Estate Commission and the state Mining and Geology Board. The new commission would draw up a state land-use plan over a ten-year period and would have authority to designate and regulate development of areas of "critical state concern" — a device to assure local governments a planning role in perhaps ninety percent of land-use cases.

Priolo's bill may now draw the support of the Governor, who is committed to a state-wide approach for land-use planning and may seize on AB 2978 as a workable vehicle to carry his concepts. [For an analysis of the Priolo proposal and the federal legislation, see "Who controls the land?" *CJ,* November 1973, p. 380.]

Sample of new cars shows 10% flunk state's smog-control standards

The state Air Resources Board tested a sample of 1,250 brand new cars — showroom fresh — and found that 10 percent of them could not pass California's smog-control standards. "As I see it," commented G. C. Hass, chief of the ARB's division of vehicles emission control, "this is the tip of the iceberg. These numbers might look shocking in terms of percentages, but I am sure a sample of cars on the road would be a lot worse."

The biggest failing was in the proper adjustment of the cars' idling mechanism to minimize carbon monoxide emissions. Hass added, however, that his figures were preliminary and that his final report on the new cars would be available this month.

The ARB began testing showroom cars in the Los Angeles Air Basin about six months ago to "audit" assembly-line testing procedures. These consist of a check of tuneup specifications, emission-control-system components, and an infrared analysis of exhaust emissions to see whether factory-control limits are being exceeded.

Lake County's gift to California: a state-wide library

The voters of Lake County last month authorized a county library and an increase in the local tax rate to finance it. In doing so, the Northern Californians joined the state's other 57 counties in establishing county-wide service for their residents. Under the statewide system, county libraries come under the general supervision of State Librarian Ethel Crockett.

UC regents adopt code of conduct for university faculty

University of California Regents last month adopted a code of conduct to guide university faculty, a code the regents called "the best faculty code of conduct" they had seen. The code grew out of campus turmoil during the Cambodian invasion four years ago. At that time, some faculty members altered course subjects to meet student demands to discuss the war and other "relevant" subjects; others cancelled classes out of sympathy for student protests.

The code forbids, among other things, altering class material and cancelling classes without authorization, and it provides for punishment ranging from written censure to dismissal.

Cal Tax foresees $1.4 billion gap in 1974-75 revenues

The California Taxpayers Association cast a cold eye on forecasts of a bright end to the fiscal year that expired last month. In a report to the Legislature, Cal Tax warned that state and local government may encounter a revenue gap as large as $1.4 billion in the next year. It attributed the problem to "the uncertainty of the economy and the more than $1 billion in appropriation measures now before the Legislature for items outside the regular state budget." It urged the lawmakers, who were at work on the 1974-75 state budget, to take a hard look at these additions or face the need to raise taxes, reduce program or pass on the costs — and the fiscal problems — to local government.

"Together, state and local government in California will have revenues of $27.852 billion and could have expenditure claims of as much as $29.271 billion," the Cal Tax analysis found. Cost uncertainties cited were in welfare, health care, educational finance, energy conservation, land-use control and tax relief. "The Legislature operates without adequate history on past spending at both the state and local level," Cal Tax reported, "and therefore is incapable of projecting growth costs. No system now exists to provide the Legislature the information it needs . . ."

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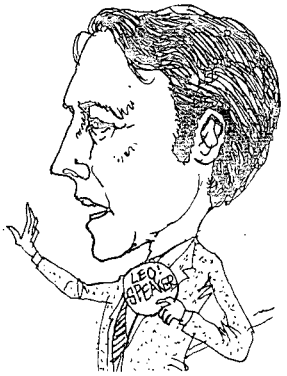
How McCarthy won the speakership



The contest for the state's second most powerful position, speaker of the Assembly, had been in progress two years — ever since it became apparent that the incumbent, Bob Moretti, would abandon the Legislature for a shot at the top job, governor of California. From the start, it was a two-man race between San Franciscans from warring political camps — the electric Willie L. Brown Jr., spawned by the Burton machine and closely tied to Moretti, and cautious Leo T. McCarthy, a far less flamboyant operator from the traditional element of San Francisco Democratic politics.

From outside the Legislature, it didn't look like much of a contest. Brown had the strong support of Moretti and his lieutenants, chairmanship of the powerful Ways and Means Committee, a way with words ("Give me back my delegation!") and a rating as one of the smartest (both in IQ and attire) members of the Legislature. McCarthy, on the other hand, had a rather conservative personality, chaired a low-visibility committee, and had authored hardly any measures containing much political sex appeal. So how come McCarthy won?

This speakership contest, even more than most, was incredibly complex. There is no simplistic answer to the question because both men attracted colleagues from across the political spectrum. But perhaps the biggest deciding factor was Brown's personality. Almost every politician has a huge ego. But many of them, including McCarthy, conceal it. Brown lets it all hang out, and some people find this offensive. Political philosophy usually plays a minor role in leadership contests, and on that score there was little choice between Brown or McCarthy: Both are liberals, with Brown a bit farther to the left. As a black champion of minority rights, Brown should have received the solid backing of blacks, Chicanos, freshmen and perhaps women in the Assembly. The hard-working McCarthy beat him in three of these four categories, and the two assemblywomen split their votes.

Assemblyman John J. Miller of Berkeley, black caucus chairman, played an important role in the battle. Miller, who served as Democratic floor leader just before Moretti became speaker, has been a Brown rival for several years. He became an early McCarthy supporter and was instrumental in rounding up black votes (and others). Miller's position made it easier for a liberal to support McCarthy without looking like a bigot (a charge thrown by Brown at the climax of the contest).

HOW THEY VOTED

Here is the roll call in the Assembly Democratic caucus June 18th that led to selection of Leo McCarthy as speaker:

For McCarthy (26) — Bee, Berman, Boatwright, Chacon, Cory, Davis, Dixon, Foran, Garcia, Gonzales, Bill Greene, Ingalls, Harvey Johnson, Keene, McAlister, McCarthy, Miller, Montoya, Papan, Powers, Ralph, Sieroty, Thurman, Waxman, Wilson, Z'berg.

For Willie L. Brown Jr. (22) — Alatorre, Brown, Burton, Cullen, Deddeh, Dunlap, Fenton, Fong, Gonsalves, Leroy Greene, Holoman, Kapiloff, Karabian, Keysor, Knox, Lockyer, MacDonald, Meade, Moretti, Thomas, Vasconcellos, Warren.

Assemblyman Henry Waxman and his sidekick, Howard Berman, were equally as important; they had been close to Moretti and Brown, but had a falling out and supported Jerry Brown for governor and McCarthy for speaker. They brought with them a block of freshmen legislators who had vowed to stand together to wield power as a group. McCarthy from the start had a group of five Democratic conservatives who had never been enamored of Brown. The Chicanos supported McCarthy, apparently because they could envision more benefits for themselves under McCarthy.

That's what speakership contests usually are all about: What the winner can do for his followers. Brown lost a key vote, that of Leon Ralph, because Ralph became convinced that Brown was going to reneg on a commitment to make him Rules Committee chairman. Under McCarthy, the job belonged to Ralph. Miller will get the Judiciary Committee chairmanship he wants (theoretically as a stepping stone to the state Supreme Court); freshman Berman will become floor leader. A freshman Chicano, Ray Gonzales, will get the Education Committee. Another key McCarthy supporter — either Ed Z'berg, John Foran (McCarthy's law partner) or Pauline Davis — will replace Brown as Ways and Means chief. Those who backed Brown will, for the most part, surrender their leadership posts.

With the Democrats closely divided on the issue, what of the Republicans? Couldn't they have voted as a caucus for one of the contenders, selecting the speaker they wanted and picking up some perquisites for the Grand Old Party? As it turned out, the Republicans were also divided. On a key procedural vote, they split 14-14 (with three abstentions). The ultra-liberal Brown generally had the backing of the conservatives, while the moderates went with McCarthy.

Brown claims that at one point before the election he had 30 of the 49 votes in the Democratic caucus and could have won then had the issue been put to the test. If so, Moretti's insistence on keeping the job until election day cost Brown the job. But McCarthy's backers dispute that Brown ever had the votes. Before balloting, it is hard to get an accurate count of the caucus because a few members prudently commit themselves to both sides. At one time, McCarthy counted on a vote from freshman Bill Lockyer, whose mentor and predecessor, the late Bob Crown, had been a rock-solid McCarthy man. Lockyer, as it turned out, was in Brown's corner. The true lineup became known at a caucus June 18th in which McCarthy won 26-22.

McCarthy's big job now is to consolidate his position and prevent development of a strong rival. His first major move, he announced, will be to change the complexion of the Finance and Insurance Committee (which handles big-money banking and insurance company measures) from an industry-oriented group to one dominated by pro-consumer assemblymen. Coupled with the passage of Proposition 9 and its restrictions on lobbyists' spending, June was a miserable month for Sacramento's Third House.

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Significant court actions

Conflicts of interest

Without committing itself on the constitutionality of Proposition 9, the California Supreme Court June 17th upheld the validity of the 1973 Moscone conflict-of-interest act requiring high-level public officials to disclose personal assets and sources of income. The court terminated a stay it had granted March 28th and ordered public officials who had been scheduled to file disclosure statements during April to do so during September "so that these statements will be available for review by the public in ample time prior to the November elections."

Justice Louis Burke wrote the majority opinion in *County of Nevada* v. *MacMillen,* joined by Chief Justice Donald Wright and Justices Marshall McComb, Mathew Tobriner, Raymond Sullivan and William Clark Jr. Justice Stanley Mosk wrote a short concurring opinion. The action was brought by Nevada County officials against District Attorney Ronald MacMillen, charged with enforcing the statute. These officials argued that the Moscone law was vague, overbroad and invaded their fundamental right to privacy. Statewide, more than 60 officials had resigned over the disclosure provisions, which require all elected and some appointed public officials to report annually all investments over $1,000 and income, gifts and loans over $250. A trial court upheld the contention of Nevada County officials.

The justices ruled that the Moscone bill met the objections the court had raised in striking down the 1969 Unruh conflict-of-interest law. Justice Burke wrote that, in contrast to the 1969 statute struck down in *City of Carmel-by-the-Sea* v. *Young,* "the 1973 act seems especially tailored to meet and satisfy the primary concerns of our *Carmel* ruling . . . .[It] appears to accomplish its legitimate aims in a less intrusive and considerably more limited fashion."

The decision left unresolved a variety of problems involving interpretation of specific provisions. In a "background note", the court pointed out that the 1973 act had not yet passed the Legislature when the text of Proposition 9 was prepared, and the *Nevada* ruling in no way constituted a decision on the initiative.

Justice Mosk needled his colleagues in his concurring opinion, noting that he had dissented from the *Carmel* decision. Wrote Mosk: "Had my colleagues joined me then, as they do now in effect, the people of California would not have been unnecessarily denied the legislatively declared benefits of a public disclosure act these past four years."

Change in the lineup

Law enforcement officials commonly employ lineups to help witnesses to crimes identify suspects. But does the suspect have a right to demand a lineup when there is a possibility of mistaken identity? As a result of a unanimous Supreme Court decision in *Evans* v. *Superior Court,* fairness will now require that the accused be given the same right to employ lineups as the prosecution.

The issue came to the court in the case of Vernel Evans, accused of robbing a drive-in restaurant. The robbery, by two men, was witnessed by the owner, a waitress and a customer. Police stopped two men running away from the scene. The owner identified them by looking through the rear window of a police car. Pleading not guilty, Evans asked for a regular lineup with all witnesses present before the trial started. The court denied his request.

Chief Justice Wright, writing for the court, concluded that "due process requires that in an appropriate case the accused . . . be afforded a pretrial lineup in which witnesses to the alleged criminal conduct can participate. The right to a lineup arises, however, only when eyewitness identification is shown to be in material issue and there exists a reasonable likelihood of mistaken identification which a lineup would tend to resolve."

Policemen or citizens?

Under the controversial exclusionary rule, evidence gained in illegal search-and seizure cannot be used as evidence. But this rule has been held to apply to police officers and not to ordinary citizens. In a 5-2 ruling, the court held that the exclusionary rule applies to patrolmen for public housing authorities, finding them more peace officers and not to ordinary citizens.

Marvin E. Klepper, a patrolman for the Los Angeles City Housing Authority, became suspicious when he saw Alvin Dyas standing on a street corner with a wax bag in his hand. Klepper, who did not have a search warrant, ordered Dyas and a companion to spread-eagle against a wall for a pat-down search. Dyas dropped the wax bag over a wall, but the bag was recovered and found to contain amphetamine pills. Dyas was charged with a drug offense. Dyas sought to have the evidence thrown out on the grounds of illegal search, but the judge ruled that Klepper was a private citizen.

In a 5-2 ruling in *Dyas* v. *Superior Court,* Justice Mosk wrote for the majority that Klepper was in uniform, armed, had handcuffs, a two-way radio in his patrol car and had been trained as a law-enforcement officer — and thus was hardly a private citizen. He rejected the claim that the prime mission of the authority is to provide housing for the poor and that Klepper's primary mission, therefore, was not law enforcement.

Justice Clark filed a dissent, concurred in by McComb, emphasizing: "While the exclusionary rule should probably not be abandoned until the Legislature provides an effective alternative, it certainly should not be extended."

Credit where due

In another 5-2 decision with the same alignment of justices, the court upheld a 1972 statute giving credit to prisoners for jail time served before sentence is imposed. But the majority declared unconstitutional a section of the law applying the statute only to those taken into custody after March 3, 1972.

The court found in the case of Donald L. Kapperman, who had sought credit for 304 days in 1970 and 1971, that the awarding of credit will not ordinarily affect the actual release date because most prisoners are paroled before the expiration of their terms. The dissenters, Clark and McComb, argued that prospective legislation is legal and that the decision might stifle future "progressive" laws.

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California NEWSMAKERS

Los Angeles businessman **Robert Wilson,** loser in an initiative campaign to establish a state lottery ten years ago, is back with a new gambling scheme. At Wilson's urging, the City Council of Adelanto (population 2,400) near Victorville (80 miles from Las Vegas) approved an ordinance to permit casino-type gambling in the city. But before the casinos can open, Wilson must get a state law passed giving cities this option. He is hoping to put a measure on the 1976 ballot establishing Adelanto as the site of a 25-year experiment and thus keep California gambling dollars from escaping to Nevada.

Sonoma State College will get the first female president of a four-year California public college in **Marjorie Downing,** 57, an English professor at Scripps College. Dr. Downing will succeed retiring president **Thomas H. McGrath** as head of the 5,500-student institution this summer .. . . Commissioner **Walter Pudinski** of the California Highway Patrol announced that the CHP is now accepting applications from women who want to be traffic patrolmen.

Earl Behrens

The San Francisco Chronicle announced that **Earl C. (Squire) Behrens,** 32, dean of the nation's political writers, was retiring as the paper's political editor. Behrens will remain on the Sacramento scene as a non-writing "adviser" to Chronicle Capitol reporters . . . . The two major-party gubernatorial nominees, Democrat **Jerry Brown** and Republican **Hugh Flournoy,** added press aides to their staffs. **David Jensen** of United Press International's Capitol Bureau joined Brown's team and **Peter Kaye,** former San Diego Union political writer and educational television political analyst, went with Flournoy.

Brown announced that Los Angeles attorney **Frank DeMarco Jr.,** who was accused of back-dating documents giving President Nixon a tax write-off, has voluntarily resigned his notary public commission rather than face a legal proceeding initiated by the secretary of state's office . . . . Representative **Fortney H. Stark** of Danville issued a financial statement indicating that his net worth is about $8 million. Stark formerly was president and principal stockholder of Security National Bank.

Governor Reagan's attorney, **William French Smith** of Los Angeles, was elected chairman of the University of California Board of Regents, succeeding **Dean A. Watkins** of San Francisco. The chairmanship is usually changed every two years . . . . **Clark Kerr,** fired seven years ago as UC president, was granted the title of president emeritus after he accepted faculty retirement . . . . The State Labor Federation AFL-CIO called for the removal of Chancellor **Glenn S. Dumke** of the State College and University system during a dispute over grievance procedures.

Vincent T. Bugliosi, defeated candidate for the Democratic nomination for attorney general, was dismissed as a defendant in a $24 million libel suit brought by two defense attorneys in the 1970 Charles Manson trial. Bugliosi prosecuted Manson. . . . In San Bernardino, a transient named **Donald Lee Bernard,** 35, became the first person sentenced to die in the gas chamber under California's new capital-punishment law . . . . California Chief Justice **Donald R. Wright** was given the B'nai B'rith "Torch of Liberty Award" in recognition of leadership in the field of judicial administration.

Assemblyman **Floyd Wakefield** of Los Angeles County was the last legislator to refuse a $5 daily expense-allowance increase to $30 a day — until he was defeated for reelection at the June 4th primary. In 1971 he called the boost "an affront and a disgraceful display of leadership," but three days after his defeat Wakefield wrote a letter to the state controller's office requesting the increase — and asked that payment be made retroactive.

The state Senate Rules Committee refused to act on confirmation of **Robert W. Sigg,** Governor Reagan's appointee as commissioner of the Workmen's Compensation Appeals Board. Sigg can remain in the $37,615-a-year post until January 1st, but no longer. Democratic leaders charged that he was anti-labor. . . . State Senator **John Stull,** a San Diego County Republican, was named legislator of the year by the California Justice Foundation. Stull is the author of a law permitting citizens to collect legal fees if they are brought to court by a government agency and win.

CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month only if a meeting is scheduled: Trustees of the California State University and Colleges; California Community Colleges Board of Governors; California Council on Criminal Justice; Postsecondary Education Commission; Board of Education; Highway Commission; Little Hoover Commission; Park and Recreation Commission; University of California Board of Regents.

July 8	**Postsecondary Education Commission.** Host of Sacramento Metropolitan Airport. 9:30 a.m.
July 9-10	**State Universities and Colleges Trustees.** Chancellor's Office, 5670 Wilshire Blvd., Los Angeles.
July 10	**Little Hoover Commission.** One World Way, Los Angeles Airport. 10 a.m.
July 10-11	**Air Resources Board.** 1194 State Office Building, 455 Golden Gate Ave., San Francisco. 9:30 a.m.
July 11-12	**State Board of Education.** Resources Building Auditorium, 1416 9th St., Sacramento. 9 a.m.
July 12	**Park and Recreation Commission.** 1138 State Office Building, 107 S. Broadway, Los Angeles. 9 a.m.
	University of California Regents. University Extension Center, San Francisco.
July 18-19	**Commission on Peace Officer Standards and Training.** PSA Islandia Hotel, Mission Bay, San Diego. 10 a.m.
	Highway Commission. San Diego.
July 25-27	**Law Revision Commission.** San Francisco. 7 p.m.
July 26	**Veterans Board Meeting.** Monterey. 1:30 p.m.
	Fish and Game Commission. City Council Chambers, Eureka. 9 a.m.
July 30-31	**Board of Equalization.** Rm. 102, 1020 N St., Sacramento. 2 p.m.

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ROLL CALL

Now that the door's open. . .

For the first time in history, the conference committee on the state budget met publicly last month, in accordance with a measure enacted last year. The event drew 15 observers, mostly staff consultants, state agency employees, lobbyists and reporters. Observed Senator Fred Marler Jr., one of the six lawmakers deciding the fate of the $10.2 billion spending package: "After the tremendous pressure to open these meetings to the public and the press — when I look out at the representatives present — I must say I am underwhelmed." Added Senator Randolph Collier, chairman of the committee: "If any member of the audience desires to sleep, it won't offend the committee." The committee carefully examined hundreds of items in the budget and set a goal of putting the bill before the Legislature four days prior to the July 1st start of the new fiscal year. The committee paid no attention to a provision of the state Constitution requiring that the budget be sent to the governor by June 15th.

Legislative escalator

While the conferees were at work, the Senate approved by 27-11 vote a proposed constitutional amendment by Senate President pro Tempore James R. Mills giving legislators automatic cost-of-living pay increases each year. Under the measure, SCA 51, the amount of the raise — if any — would be determined by the State Personnel Board. Currently, the Legislature must pass a bill to get pay raises, which are limited to five percent a year.

Also in mid-June, the Senate Government Organization Committee killed a constitutional amendment by Assemblyman Leon Ralph designed to establish a state lottery. The proposal died when Ralph could not muster a motion in the 13-man committee. The Assembly defeated a bill by Assemblyman Robert Badham to extend the state's 55-mile-per-hour speed limit indefinitely. It is now scheduled to expire on June 30, 1975.

Assembly

BUSINESS

AB 1774 (Dixon) — Prohibits persons licensed under the Business and Professions Code from discriminating in their business dealings on the basis of race, religion, creed, national origin, or sex. Assembly refuses to approve Senate amendment adding sex discrimination, 33-37.

AB 3103 (Meade) — Licenses dealers, manufacturers and distributors of petroleum products, creates a nine-member Service Station Dealers Board to regulate the relationship between dealers and manufacturers and to enforce fair practices relating to service-station franchises. Passed, 44-21.

CONSTITUTIONAL AMENDMENTS

ACA 20 (Gonzales) — Proposed constitutional amendment to remove lieutenant governor as president of the state Senate. Failed, 22-31.

ACA 96 (Chacon) — Proposed constitutional amendment eliminating a requirement that voters approve low-rent housing projects. Adopted, 56-11.

EMPLOYMENT

AB 2644 (Leroy Greene) — Prohibits an employer from requiring a job applicant to list arrest record on employment application. Assembly concurs in Senate amendments, 46-26.

AB 2921 (Burton) — Increases maximum weekly unemployment benefits from $90 to $100. Passed, 58-14.

AB 3077 (Gonzales) — Extends unemployment benefits to persons who leave their jobs to accompany spouses or because of compelling domestic duties. Passed, 55-16.

AB 3400 (Fenton) — Extends unemployment benefits to agricultural workers. Passed, 51-17.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through June 16th. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.

Y — Yes N — No
★ — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority.
⅔ = 54 votes.

Senate: 21 votes required for passage of bills needing a simple majority.
⅔ = 27 votes.

AB 3508 (Foran) — Allows any county to exclude itself from participation in the community work-experience program for welfare applicants and recipients. Passed 42-26.

HEALTH & WELFARE

AB 2755 (Briggs) — Requires publicly owned health facilities, including hospitals, to segregate smoking and non-smoking patients and to post appropriate "No Smoking" signs; also requires such signs to be posted in places of public assembly and *publicly* owned buildings that house theaters, restaurants and bars. Passed, 44-14.

AB 2756 (Briggs) — Requires privately owned health facilities, including hospitals, to segregate smoking and non-smoking patients and to post appropriate "No Smoking" signs. Also requires such signs to be posted in *privately* owned buildings open to the public that house theaters, restaurants and bars. Failed 36-33.

AB 2696 (Quimby) — Requires all restaurants, except those operated by a city, county or school district, to have on hand a device for removing food lodged in a person's throat. Passed, 59-9.

TAXATION

AB 3030 (Burton) — Limits the depletion allowance for oil and gas wells to an amount equal to five times the well's cost. Passed, 56-15.

MISCELLANEOUS

AB 1575 (Warren) — Establishes the State Energy Resources Conservation and Development Commission to assess energy demands and supplies, regulate consumption and conservation of energy resources, prescribe energy-insulation regulations for residential buildings, and approve power-plant facilities. Assembly approves final amendments, 59-8.

AB 3087 (Keysor) — Requires a county clerk to ascertain by means of a notice and a prepaid return postcard whether a person has moved and/or still wishes to remain a registered voter if he or she has failed to vote at the preceding general election. Passed, 46-19.

AB 3668 (Sieroty) — Grants prisoners the right

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to marry, and prohibits actions to declare minors free of custody of parents convicted of felonies. Passed, 43-20.

Senate

EDUCATION

SB 71 (Gregorio) — Authorizes high schools to allow students to smoke on campus under specified conditions. Senate adopts final amendments, 21-13.

AB 1052 (Dunlap) — Authorizes school districts to establish alternative schools maximizing student self-motivation. Failed, 9-14.

EMPLOYMENT

AB 2644 (Leroy Greene) — Prohibits an employer from requiring prospective employees to list arrest records on employment applications. Passed, 23-5.

AB 3128 (Burton) — Provides that state employees shall receive layoff seniority credit for having served in the Peace Corps or VISTA. Failed, 15-9.

HOUSING

SB 1633 (Zenovich) — Creates California House Finance Corporation to allocate federal funds to subsidize housing for families of low or moderate income, to increase availability of such housing, and to make loans for housing developments. Failed, 18-10.

SB 1815 (Petris) — Makes it unlawful for an owner or landlord to harass, evict, or otherwise discriminate in the sale or rental of house accomodations under the Rumford Fair Housing Act because the person involved complained of unfair housing practices or reported violations to appropriate enforcement agencies. Passed, 21-8.

ASSEMBLY (49 D, 31 R)	AB 1774 AB 3103 ACA 20 ACA 96	AB 2644 AB 2971 AB 3077 AB 3400	AB 3508 AB 2755 AB 2756 AB 2696	AB 3030 AB 1575 AB 3087 AB 3668		AB 1774 AB 3103 ACA 20 ACA 96	AB 2644 AB 2971 AB 3077 AB 3400	AB 3508 AB 2755 AB 2756 AB 2696	AB 3030 AB 1575 AB 3087 AB 3668
Alatorre (D)	*YYY	*Y*Y	YNNY	Y*YY	Johnson, R. (R)	NYNY	NYNN	NYYY	YNNN
Antonovich (R)	N*NN	NNN*	*YYY	**N*	Kapiloff (D)	YYYY	YYYY	*YYY	YYYY
Arnett (R)	YNNY	YY*N	NYNY	NYNY	Karabian (D)	Y***	Y*YY	Y***	YY*Y
Badham (R)	N*NN	NNN*	*NNN	*NN*	Keene (D)	YYYY	YYYY	YY**	Y*YY
Bagley (R)	***Y	*Y**	**NY	****	Keysor (D)	Y**Y	YYYY	YYYY	YYYY
Bannai (R)	NNNY	N*NN	YYNY	NYYN	Knox (D)	YN*Y	YYYY	Y**Y	NYYY
Bee (D)	NYNY	YYYY	YYY*	Y*YY	Lancaster (R)	NNNN	NN*N	N*NN	NNNN
Berman (D)	YYYY	YYYY	YYYY	YY*Y	Lanterman (R)	NNNY	YN*N	NYYY	NYNN
Beverly (R)	*NN*	NYYN	NNNY	NY**	Lewis (R)	NNNY	NYYN	NNNY	YNYN
Boatwright (D)	YYYY	**Y*	Y**Y	YYYY	Lockyer (D)	YY*Y	YYYY	YYYY	YYYY
Bond (R)	NNNY	NYYN	NYY*	NYYN	MacDonald (D)	NYNY	*Y*Y	YYYY	YYYY
Briggs (R)	NNNY	NYY*	NYYN	YYNN	MacGillivray (R)	**NY	****	***Y	****
Brown (D)	YY*Y	YYYY	YN*Y	YYY*	Maddy (R)	*Y*Y	YYYY	N**Y	YY*Y
Burke (R)	NNNN	NNNN	NYYN	NNNN	McAlister (D)	YYYY	YYYY	YYYY	YYYY
Burton (D)	YY*Y	YYY*	YYYY	YYYY	McCarthy (D)	YY*Y	YYYY	YYYY	YYYY
Carter (R)	NYNN	NYYN	NYNN	YYNN	McLennan (R)	NNN*	NNNN	NYYN	NNNN
Chacon (D)	Y**Y	YYYY	*Y*Y	YYYY	Meade (D)	YYYY	YYYY	YY*Y	YYYY
Chappie (R)	N**Y	NY*Y	**N*	**N*	Miller (D)	Y**Y	YYY*	*YYY	****
Cline (R)	NNNN	NNNN	NYYY	NYNN	Mobley (R)	NYNY	NYNY	N*N*	*YNN
Collier (R)	NNNN	NNNN	NYYN	NY*N	Montoya (D)	Y*YY	YYYY	YNNY	YYY*
Cory (D)	*Y**	Y*YY	Y***	YYYY	Moretti (D)	YYYY	YYYY	Y**Y	YYYY
Craven (R)	NNNY	NY*Y	NNNY	YYY*	Murphy (R)	NNNY	YYNY	N**Y	YY**
Cullen (D)	NN*Y	YYYY	YNNY	NYYY	Nimmo (R)	NNNY	NNNN	NYYN	NYNN
Davis (D)	NYNY	*YYN	NYYY	YNYN	Papan (D)	*YYY	YYYY	YYYY	YYYY
Deddeh (D)	NY**	N*YY	N**Y	YYYY	Powers (D)	NY**	YYYY	Y**Y	YYY*
Dixon (D)	YY**	YYYY	Y*N*	Y*YY	Priolo (R)	NNNN	NNNY	NYYY	*YNN
Duffy (R)	NYNN	NNNY	NYNN	YYNN	Quimby (D)	NY**	Y*YY	Y**Y	Y*YY
Dunlap (D)	YYYY	YYYY	YYYY	YYYY	Ralph (D)	YY**	Y*YY	Y***	YY*Y
Fenton (D)	NYYY	YYYY	YNNY	YYYY	Russell (R)	N*NN	NNN*	*YYY	**N*
Fong (D)	***Y	YYY*	YYYY	YYYY	Seeley (R)	NNNY	NNNN	*YYY	NY**
Foran (D)	YYYY	YYYY	Y*YY	YYYY	Sieroty (D)	YY*Y	YYYY	YYYY	YYYY
Garcia (D)	YYYY	YYY*	YNNY	YYYY	Thomas (D)	NYYY	YYYY	YNNY	YYYY
Gonsalves (D)	NY*Y	*YYY	*NNY	YYYN	Thurman (D)	NY*Y	YYYY	*NNY	YYYY
Gonzales (D)	YYYY	YYYY	YYYY	YNY*	Vasconcellos (D)	YY**	YYYY	Y**Y	YY*Y
Greene, B. (D)	YY**	YYYY	Y***	Y**Y	Wakefield (R)	NNNN	NNNN	NYY*	N*NN
Greene, L. (D)	YYYY	YYYY	Y*NY	YYY*	Warren (D)	YYYY	YYYY	YY*Y	YYYY
Hayden (R)	**NY	YYYY	NYYY	YYN*	Waxman (D)	*YY*	*YY*	YY*Y	YY*Y
Holoman (D)	YY**	YYYY	Y***	YY*Y	Wilson (D)	NYYY	NYYY	NYYY	YYYY
Ingalls (D)	YYYY	YYYY	YYYY	YYYY	Wood (R)	NNNY	NYYY	NYYY	YYYN
Johnson, H. (D)	Y**Y	YYYY	YNNY	YYYY	Z'berg (D)	Y*YY	YYYY	YYYY	YYYY

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JUSTICE

SB 1909 (Nejedly) — Equalizes availability of facilities, programs, services, and privileges for male and female county jail inmates. Passed, 22-3.

AB 1291 (Keene) — Requires a hearing before a court can approve or disapprove the recommendation by medical director of state hospital as to the parole of a person committed for a criminal offense. Passed, 23-6.

TAXATION

SCA 26 (Petris) — Proposed constitutional amendment increasing the minimum amount of the homeowner's property-tax exemption from $750 to $1,750 of the assessed value of a home. Senate concurs in Assembly amendments, 27-7. Will appear on November ballot.

SB 1966 (Mills) — Authorizes BART to continue a ½ percent sales tax upon approval of boards of supervisors of each county within the transit district. Passed, 21-10.

TRANSPORTATION

SB 1877 (Nejedly) — Authorizes a county, or a part of it, to withdraw from BART. Failed, 17-7.

MISCELLANEOUS

SB 1858 (Song) — Provides that a newspaper publisher, editor or reporter may not be held in contempt for refusing to disclose any unpublished information used in writing a news story. Passed, 31-1.

SENATE (21 D, 18R)	SB 71 AB 1052 AB 2644 AB 3128 SB 1633 SB 1815	SB 1909 AB 1291 SCA 26 SB 1966 SB 1877 SB 1858
Alquist (D)	YYYYYY	*YY*NY
Ayala (D)	YYYYYY	YYYYYY
Behr (R)	YYY**Y	YYYYNY
Beilenson (D)	YYYYYY	**YYNY
Berryhill (R)	NN**NN	YNN*YY
Biddle (R)	NNNNY*	YYYYYY
Bradley (R)	YNNNNN	NNNYNY
Carpenter (R)	YNNNN*	NN***Y
Collier (D)	N**YNY	*YYN*Y
Cusanovich (R)	N*YYNY	YYNYYY
Deukmejian (R)	NNY*NY	*YYN*Y
Dills (D)	NNY***	YYYYYY
Dymally (D)	Y***YY	*YYYYY
Gregorio (D)	YYYYY*	YYYYNY
Grunsky (R)	YNYNYN	YYYY*Y
Harmer (R)	******	***Y**
Holmdahl (D)	NYY*Y*	YY*NYY
Kennick (D)	Y*Y*YY	YYYY*Y
Marks (R)	Y*Y*Y*	YY*Y*Y
Marler (R)	YNNNNN	YYNYYY
Mills (D)	Y*Y*YY	*YYYNY
Moscone (D)	YYYY*Y	YYYY*Y
Nejedly (R)	NNYNYY	YYYNYY
Petris (D)	YY***Y	YYYY*Y
Richardson (R)	N*****	*N*N**
Robbins (D)	Y*YYYY	Y*YN*Y
Roberti (D)	Y*YY*Y	YYYYNY
Rodda (D)	YYYYYY	Y*YYYY
Schrade (R)	NNYYYN	YNNNY*
Short (D)	***YYY	**YN*Y
Song (D)	**YYYY	Y*Y*YY
Stevens (R)	YNYNNN	YYY*YY
Stiern (D)	N*YY**	*YY*Y*
Stull (R)	N***NN	**NNYN
Walsh (D)	******	**Y***
Way (R)	YNYN*Y	Y*Y*YY
Wedworth (D)	*****Y	**YN**
Whetmore (R)	NNNNNN	NNNYYY
Zenovich (D)	YN*YYY	*YYYYY

Correction in rating state's legislators

In last month's article on how various organizations graded legislators on 1973 votes ("The Rating Game," page 197), an error appeared in the scores for the League of Women Voters. Here are the correct percentages for those lawmakers affected:

Senators. Alquist 72, Behr 93, Beilenson 86, Berryhill 43, Bradley 7, Collier 50, Cusanovich 43, Deukmejian 29, Dills 93, Dymally 93, Gregorio 86, Grunsky 64, Harmer 14, Holmdahl 79, Kennick 79, Lagomarsino 43, Marler 43, Mills 72, Moscone 100, Nejedly 79, Roberti 86, Rodda 86, Song 72, Stevens 64, Stiern 79, Stull 43, Way 29, Zenovich 79. Average 60.

Assemblymen. Alatorre 100, Antonovich 47, Arnett 77, Badham 12, Bagley 77, Bannai 64, Bee 94, Berman 100, Beverly 71, Boatwright 94, Bond 77, Briggs 65, Brown 88, Burton 88, Chacon 88, Chappie 77, Cline 35, Collier 12, Craven 21, Cullen 77, Deddeh 82, Dixon 88, Duffy 59, Dunlap 94, Fenton 94, Fong 82, Garcia 94, Gonsalves 82, Gonzales 94, B. Greene 77, L. Greene 77, Hayden 82, Holoman 82, Ingalls 100, H. Johnson 77, R. Johnson 88, Karabian 71, Keene 88, Keysor 82, Knox 88, Lancaster 41, Lanterman 47, Lewis 65, MacDonald 77, MacGillivray 77, Maddy 82, McAlister 94, McCarthy 94, Meade 94, Mobley 60, Moretti 94, Murphy 59, Nimmo 41, Papan 94, Powers 88, Priolo 77, Quimby 65, Ralph 77, Russell 29, Seeley 77, Thomas 82, Vasconcellos 82, Wakefield 18, Warren 82, Waxman 94, Wilson 88, Wood 88, Z'berg 82. Average 74.

Jo Smith, the league's legislative chairman, emphasized that the "ratings" were not the league's but were computed from the organization's compilation of voting records. "We have never attempted to rate or grade legislators at the state level," Smith said, "because such ratings can be misleading."

It was said . . .

Once everyone blamed the Communists for everything. Now its the lobbyists. But I'll tell you one thing: Lobbyists had nothing to do with Watergate.

. . . *by lobbyist James Garibaldi, in the* Los Angeles Times.

It was just a rude shock. It was a little bit like seeing civilization with its pants down to suddenly see a man sitting with his most intimate counselors and associates in a room obviously talking in ways that none of them would ever talk out in public.

. . . *by Governor Ronald Reagan, commenting on the moral tone of President Nixon's taped Watergate conversations.*

I think that small turnout has to shake all of us, tell us to do better.

. . . *by Edmund G. Brown Jr., commenting on the election that won him the Democratic gubernatorial nomination.*

You know how I feel? I feel as though the tough time is over. The primary has been one long degree of intensity for two years. The general election will seem easy by comparison. I'd rather run fast for five months than at any speed for two years. I'm pooped.

. . . *by Houston Flournoy on winning the Republican Party's gubernatorial nomination last month.*

In Beverly Hills, people are convinced and they are motivated and through their motivation they insist on a quality education. There are other communities, particularly those housing our minorities, where people in great numbers have seen insufficient evidence that education would improve the lot of their children. More money without motivation won't do it.

. . . *by Assemblyman Leroy Greene, chairman of the Assembly Education Committee, reflecting to his constituents on public-school finance.*

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A WASHINGTON PERSPECTIVE...

By Lou Cannon

The St. Louis Blues

There is little talk of Nelson Rockefeller these days in Watergate-weary Washington and even less of Ronald Reagan. Those same folks who gave us President Romney in 1967 and President Muskie in 1971 are now equally certain of Gerald Ford's ascension in 1976, at least to the Republican presidential nomination. They are so bullish here on Old Helmetless that Ford is now believed to be assured of the nomination even if President Nixon somehow beats the impeachment rap and walks out of the White House under his own power.

This conventional wisdom seemed less certain in St. Louis on June 16th and 17th, when an unusual cross-section of Republicans gathered to talk about reforming their party. The would-be reformers are known collectively as the Rule 29 Committee, and they could become the Republican equivalent of the Democratic Reform Commission, which created so much "quota system" havoc in 1972. Formed by the 1972 GOP National Convention and named for the number of the rule that created it, the Rule 29 Committee has sweeping power to review party rules and procedures and make recommendations to the Republican National Committee. Were it not for Watergate, someone in the outside world almost certainly would have heard of the committee by now, for it is chaired by an exceptionally able congressman, William Steiger of Wisconsin, and it has a mandate sufficient to salvage or destroy the chances of a prospective presidential nominee if the right conditions prevail at the national convention. The "right conditions" for the deliberations of the Rule 29 Committee to have much impact on the nomination would be the kind of close contest that existed in 1952, the last time the identity of the Republican presidential nominee was really in doubt as the delegates convened. In 1952, the upholding of some key challenges by the credentials committee made the difference for Dwight Eisenhower over Senator Robert Taft and altered the course of national and party history. Ever since, the outcome for all intents and purposes has been settled before convention time.

Some of the Rule 29 Committee recommendations, at least in their present form, are almost certain to become the basis for credentials challenges at a contested convention. Among other things, the committee must decide how to interpret Rule 23C, which declares: "Each state shall endeavor to have equal representation of men and women in its delegation to the Republican National Convention." And the Rule 29 Committee also must decide on how each state party must take "positive action" to implement another section of Rule 32, aimed at broadening the base of the party.

* * *

The proposal at St. Louis, where Rule 29 subcommittees submitted their tentative recommendations, was for creation of positive-action committees in each state. These would be "broadly representative of the population" and required to include persons from outside the elected party leadership. The committees would be ordered to draw up positive-action plans "designed to create the opportunity for participation in all party activities for all people regardless of race, creed, national origin, religion, ancestry, sex or age." Presumably, states that failed to meet these standards would be subject to a challenge. As a matter of practical politics, delegations from states that had failed to comply with the positive-action guidelines would doubtless face stiff challenges from trailing candidates. If, as seems likely, the states that failed to measure up to the guidelines happened to be small, southern and rural, the effect on a hypothetical Ronald Reagan candidacy could be very damaging since these are the very states that would almost certainly be preponderantly in his corner. No one realizes the potential of positive action better than Mississippi GOP State Chairman Clarke Reed, one of the south's smartest politicians and a man who is toiling in the vineyards of the Rule 29 Committee at his own request. Reed has always liked Reagan, and last fall entertained him at his sumptuous Greenville home at a meeting also attended by eight other southern GOP chairmen. ("A social occasion," Reagan called it.)

Unlike some of Reagan's fading admirers, Reed has both the conservatism and the courage to challenge a nomination-by-acclamation for Ford. Reed also possessed the foresight at St. Louis to see the implications of the proposed guidelines, and he ignored the warnings of Steiger, who had promised that no votes would be taken until December, by attempting to delete the tough positive-action plank from the committee's recommendations.

* * *

Reed is a veteran of rules fights, and he is frequently a better counter than his opponents. He took the leadership at Miami Beach in 1972 and succeeded in crushing a reform effort aimed at giving the populous states a more equitable share of the delegates. In that battle, the only issue of the convention where struggle rose above ceremony, Reed received timely help on the convention floor from a governor named Reagan. But in the Watergate-weakened party of 1974, the conservatives failed to win their expected victory at St. Louis. Despite a number of absences on the progressive side — Senator Ed Brooke of Massachusetts, for instance, has yet to make a Rule 29 Committee meeting — Reed was defeated on a tie vote when the issue was indirectly put to the committee on a complicated parliamentary maneuver. Reed later warned his fellow conservatives that they will have their hands full trying to reverse the preliminary decision when the committee makes its final report in December.

None of this is going to run the House Judiciary Committee out of the headlines. As an exciting spectacle, the Rule 29 Committee ranks right behind yacht races or watching grass grow, and most of the national press didn't bother to cover the meeting. That may have been the right decision, since all the reform guidelines in the world won't mean much at the 1976 convention if Ford is the uncontested nominee. But if the conventional wisdom is wrong once again, and a real fight ensues for the nomination, a lot of candidates are going to discover both the Rule 29 Committee and its positive-action guidelines when the time of choosing comes in 1976.

The losers may wish they had started in St. Louis.

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A special announcement to *Journal* subscribers

Despite rapidly rising costs, we are attempting to maintain the California Journal's individual subscription rate at the same $15 price we began with 4½ years ago. It is, however, a constant struggle to raise sufficient funds to close the gap between the cost of producing the magazine and revenue generated by the existing subscription rate.

The *Journal*'s board of directors decided some months ago to explore new avenues of fund-raising as an alternative to an increase in the individual subscription rate of $15. Consequently, early this year, a special appeal for contributions was initiated to subscribers as they received their renewal notices. The response has been gratifying.

Nonetheless, we remain some $10,000 short of meeting our budget for the year ending August 31st. So we are asking our readers to consider making a tax-deductible contribution to the *Journal* now so that it can continue its rapid growth rate (circulation is up more than 50 percent in the last year), which will increase the magazine's ability to raise public awareness of California government and politics. As always, we also welcome any suggestions you may have for improvements in the magazine.

Please send contributions to: California Journal 1617 10th St. Sacramento, Ca. 95814.

Thank you,

Thomas R. Hoeber
Publisher

Government is the only vessel that leaks from the top.

- -James Reston

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